

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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WRITTEN  
TESTIMONY  
ONLY

In reply, please refer to:  
File:

**Testimony COMMENTING on SB0793  
RELATED TO RECYCLING**

SENATOR JARRETT KEOHOKALOOLE, CHAIR  
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION  
SENATOR KARL RHOADS, CHAIR  
SENATE COMMITTEE ON JUDICIARY

Hearing Date: 2/28/2023

Room Number: 016

1 **Fiscal Implications:** Unknown.

2 **Department Testimony:** This measure amends Chapter 339D, Hawaii Revised Statutes (HRS),  
3 also known as the Electronic Device Recycling and Recovery Act, by adding the definition of  
4 “market share” and amending the definition of “electronic device” to exempt floor-standing  
5 printers or printers with optional floor stands. This measure also amends the shortfall penalties  
6 and the method used to calculate the manufacturer recycling goals.

7 The Department of Health (Department) respectfully requests that the Legislature provide  
8 the Department additional time to implement the amendments made by the Legislature in 2022 to  
9 the Electronic Device Recycling and Recovery Act before making additional changes. The full  
10 implementation of the 2022 amendments took effect on January 1, 2023, and the Department  
11 would like the time to evaluate if any further changes are needed to improve electronics  
12 recycling in Hawaii.

13 The Department shares the following comments on portions of this measure that would  
14 be difficult to administer:

15 In section 2 of the bill at page 3, lines 6-10, a definition of “market share” is added. As  
16 currently drafted, however, the calculation of a manufacturer’s “market share” would be based  
17 only on the electronic device manufacturer’s prior year’s sales of televisions, despite the  
18 inclusion in Chapter 339D, HRS, of computers, monitors, printers, and portable computers in  
19 addition to televisions.

1           In section 3 of the bill at pages 5-6, the proposed tiered penalty scale sets penalties for  
2 less than 50%, more than 50%, less than 75%, more than 75%, less than 90%, and more than  
3 90%, however, it is unclear which penalty would apply if a manufacturer were to achieve exactly  
4 50%, 75%, or 90% of their goal.

5           In section 5 of the bill at page 9, the proposed method the Department shall use to  
6 calculate the manufacturer obligation contradicts the goals on page 10. Page 9 calls for the  
7 recycling goals to be based on the manufacturer's market share percentage of the previous year's  
8 total collections, while page 10, lines 4-17, sets the recycling goals as a percentage of a  
9 manufacturer's sales two years prior.

10           Thank you for the opportunity to testify.

11   **Offered Amendments:** None



**Testimony to the Senate Committee on Commerce and Consumer Protection  
and Committee on Judiciary  
Tuesday, February 28, 2023, at 9:36 A.M.  
Conference Room 016 & Videoconference**

**RE: SB 793 Related to the Recycling**

Chairs Keohokalole and Rhoads, Vice Chairs Fukunaga and Gabbard, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **supports** SB 793 , which amends recycling goals under the Electronic Device Recycling and Recovering Act so that goals are based upon the manufacturer's overall market share in the State. Amends penalties and definitions.

This bill proposes a few adjustments to the e-waste law that passed last year (Act 151, Session Laws of Hawaii 2022). Act 151 passed last year passed in its original form with no amendments, despite manufacturers pointing out at the time that the escalating recycling goals of 50%, 60% and ultimately 70% of collection by pound could not be met due to year over year declining weights of products sold in Hawaii.

The penalty fees were also significantly increased in last year's law, resulting in Hawaii having a shortfall fee that is 3 times higher than any other state. The implementation of last year's law will result in significant price increases for electronic devices sold in the state.

The Chamber is supportive of the fact that the law increased e-waste collection sites across the state, but believe that the unreachable weight targets will only result in manufacturers paying significant penalty fees into the e-waste special fund. This amounts to the mere collection of penalty money by the state, instead of allowing manufacturers to use those funds to invest in more e-waste collection sites as is provided for by the new law.

Fixing this law cannot wait another year because costs will escalate in the coming year for consumers and manufacturers based on the unreachable escalating annual targets set in the law.

The Chamber supports the amendments being proposed by the Consumer Technology Association, which represents a compromise --- the amendments adjust the goals and penalty fees to a more reasonable amount, but still provide for a target recycling goal to be consistent with the original intent of Act 151.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization



works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

Thank you for the opportunity to testify.

**SB-793**

Submitted on: 2/27/2023 7:39:06 AM

Testimony for CPN on 2/28/2023 9:36:00 AM

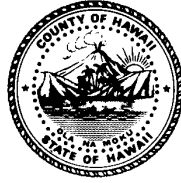
Submitted By	Organization	Testifier Position	Testify
Mike Rivera	Testifying for County of Hawaii	Oppose	Written Testimony Only

Comments:

**We are opposed to SB 793.** It is too early to propose such drastic changes, and the potential of weakening incentives, particularly to the detriment of convenience requirements on Neighbor Islands, is high. Hawai`i consumers are already accustomed to the manufacturer pass-on costs of responsible recycling for beverage containers through the HI5 program. Act 151 should have at least 2 years to establish needed infrastructure (especially in previously underserved areas), promote public education and collect actual performance data before amendments are proposed.

**Mitchell D. Roth**  
*Mayor*

**Lee Lord**  
*Managing Director*



**LATE**

**Ramzi I. Mansour**  
*Director*

**Brenda Iokepa-Moses**  
*Deputy Director*

# County of Hawai'i

## DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kekūanāo'a Street, Suite 41 · Hilo, Hawai'i 96720 · cohdem@hawaiiicounty.gov

Ph: (808) 961-8083 · Fax: (808) 961-8086

February 27, 2023

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION  
Sen. Jarrett Keohokalole, Chair

COMMITTEE ON JUDICIARY  
Sen. Karl Rhoads, Chair

**Re: Comments on Senate Bill (SB) 793 Relating to Recycling, which amends the recycling goals under the Electronic Device Recycling & Recover Act and amends the penalties for manufacturers not meeting goals and convenience requirements for electronic recycling.**

Dear Chair Keohokalole, Chair Rhoads, and Committee Members,

The County of Hawai'i Department of Environmental Management submits comments on Senate Bill 793, which as currently written, significantly changes the recycling goals and reduces the penalties for manufacturers that do not meet the required recycling goals of the Electronic Device Recycling and Recovery Act.

The Legislature passed amendments to the law last session and the changes have yet to be fully implemented this calendar year. Manufacturers scheduled the minimum required monthly collection for February in Kailua-Kona and have provided a more convenient collection schedule in Hilo because of the new convenience requirements. Reducing the penalties for achieving recycling goals disincentivizes the manufacturers from providing service if the cost of recycling outweighs the reduced penalties. We have yet to see the effects of those previously passed changes on the quantities of electronics collected.

The County believes it is premature to determine if the changes to the law last session will be too difficult for the manufacturers to achieve the required recycling goals and prefers to wait for the results of the fully implemented law to evaluate whether amendments are needed next year.

Thank you for your consideration.

Best Regards,

Ramzi I. Mansour  
DIRECTOR



## TESTIMONY OF RECYCLE HAWAII

**RE: SB793**

Submitted by Kristine Kubat, Executive Director  
**IN STRONG OPPOSITION**

Aloha Chairs Keohokalole and Rhoads, Vice Chairs Fukunaga and Gabbard and Members of the Consumer Protection and Judiciary Committees. Thank you for the opportunity to provide testimony on this bill.

Recycle Hawaii stands in strong opposition to this bill which would undermine the progress made last session regarding Hawaii's e-waste recycling program. We refer to the excellent testimony submitted by Mr. K's Recycling as justification for our position.

Our organization has been actively pursuing strategies to reduce waste and protect Hawaii's environment for over 30 years. We were instrumental in developing the state's e-waste program and can verify that, from the beginning, the effort to keep the toxic waste associated with electronics, including unrecyclable plastics and heavy metals, has always been burdened by the position that industry needs are the paramount concern.

Reforms that would make the program more effective have been stalled for years by outside vested interests. The progress made last session was long overdue.

Voting against this measure is the just thing to do. When it comes to protecting consumers, the arguable outcome of slightly higher prices is not the prevailing threat. The damage done to our environment by highly toxic products designed to be discarded after two years, is unacceptable. **If manufacturers want to avoid the high costs of handling the huge volumes of waste their business models generate, they should design products that last longer.** Consumers are more than customers.

We urge you to vote against this measure so we can all get on with the business of protecting Hawaii's environment from toxic e-waste.

Kristine Kubat  
Executive Director  
Recycle Hawaii  
[admin@recyclehawaii.org](mailto:admin@recyclehawaii.org)  
808-747-4246







**LATE**

**TESTIMONY OF TINA YAMAKI, PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
February 28, 2023  
Re: SB 793 RELATED TO RECYCLING**

Good morning, Chair Keohokalole and Chair Rhoads and members of the Senate Committee on Commerce and Consumer Protection and the Senate Committee on Judiciary. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901 and is a statewide, not for profit trade organization committed to supporting the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, on-line sellers, local, national, and international retailers, chains, and everyone in between.

We are in STRONG support this measure. HB 595 amends recycling goals under the Electronic Device Recycling and Recovering Act so that goals are based upon the manufacturer's overall market share in the State; and amends penalties and definitions.

Retailers continue to be concerned about our aina and have supported many initiatives that preserve and protect our environment. We are seeing more retailers having takeback recycling type of E-Waste programs for electronics albeit old, broken or just being replaced with an upgrade.

We appreciate the intent of Act 151 SLH 2022 to address E-Waste recycling in our islands. We support continuing to make E-Waste collection convenient for consumers so that they participate in the recycling program. We are also seeing that **manufacturers are complying with the requirement that each manufacturer establishing 25 collection sites in the state, which has greatly expanded the opportunity for consumers to recycle their e-waste.**

We would also strongly support the following amendments that would NOT dilute the recycling program for electronic waste in Hawaii but rather modernize it and put it in line with what is happening on the mainland with similar successful E-Waste programs.

Act 151 (2022) was passed unamended in its original form. Throughout the session, the manufacturers continuously touted that the weight-based targets for collection are antiquated and the targeted goals could not be met. **Electronics over the years have been changing and becoming much lighter.** We are seeing more and more newer electronic products being a lot lighter in weight than older ones. With new technology constantly being introduced, we are expecting in the next few years that the recycling weight rate will continue to decline. **Because devices are becoming lighter over time, it does not make sense to escalate recycling targets by weight. By the Department of Health's own data, collection weights are declining, and the weight-based collection targets will be simply unachievable.**

We also support reducing the shortfall fee from \$1.50 per pound to a tiered penalty based on compliance level. **The current penalty fee of \$1.50 per pound is 3X higher than any other state and has resulted in a significant increase in how much manufacturers are being charged to stand up collection sites.** This has made it far more expensive for manufacturers to stand up collection programs overall throughout Hawaii.

**The additional costs and unavoidable penalties incurred with the current E-Waste program will make electronics in Hawaii significantly more expensive to consumers with the implementation of last year's law.** The manufacturers will pass these costs down to the distributor who will pass it on to the retailers and retailers will pass it on to the consumers, thus making electronic items significantly more expensive than they already are. We must also mention that because electronic products are NOT manufactured in the state of Hawaii and therefore must be shipped to distributors and retailers. Unlike on mainland, Hawaii can NOT truck out or use rail for these E-Waste items to be transported to nearby recycling facilities or neighboring states that do; and because Hawaii does not have an E-Waste recycling facility within the state. All electronics turned in for recycling must be shipped out to the mainland. In the past couple of years, we have seen extensive shipping cost increase for products coming in and out of Hawaii. This includes not only to and from the State, but also to and from our neighbor islands as well.

**We believe that the unreachable weight targets will only result in manufacturers paying exorbitant penalty fees into the Department of Health's E-waste special fund.** This fund does not identify what the monies are to be used for nor does it allow manufacturers to use those funds to invest in more e-waste collection sites as is provided for by the new law.

We also support the amendments being proposed by the Consumer Technology Association, which represents what we feel is a fair compromise to adjust the goals and penalty fees to a more reasonable amount, but still provide for a target recycling goal of 50% to be consistent with the original intent of Act 151 (2022).

We cannot wait another year to address the amendments needed. The cost of electronic items will escalate in the coming year for consumers and manufacturers, based on the unreachable escalating annual targets set in the law. **In the end, it will be the consumer paying the higher price for the electronic goods and continue to make Hawaii an even more expensive places to live.**

We humbly ask that you pass this bill.

Mahalo again for this opportunity to testify.

**SB-793**

Submitted on: 2/26/2023 5:49:19 PM

Testimony for CPN on 2/28/2023 9:36:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Henry Curtis	Testifying for Life of the Land	Oppose	Written Testimony Only

Comments:

Aloha

Life of the Land is opposed to the bill

Please hold SB 793

Mahalo

Henry Curtis

Executive Director



Date: February 27, 2023

**To:** The Honorable Chairs Keohokalole and Karl, and Vice Chairs Fukunaga and Gabbard, and Members of the CPN and JDC Committees,

**From:** Zero Waste Hawaii'i Island

**Re:** Hearing SB793

**Position:** Opposition

Aloha Chair Chairs Keohokalole and Karl, and Vice Chairs Fukunaga and Gabbard, and Members of the CPN and JDC Committees,

Zero Waste Hawaii 'i Island's mission is to connect diverse Hawaii 'i Island Communities to support equitable systems redesign and policy change to achieve zero waste. We were pleased to see the passage of Act 151 last year which updated our existing e-waste recycling program that was critically underfunded and often ran out of funding before the end of each fiscal year on Hawaii 'i Island. Recycling in Hilo and Kona have already shown significant increases in recycling by both residents and businesses/government/nonprofit organizations compared to last year. It is very disappointing to see SB793 continue to advance this session, a bill that would weaken Act 151 before the updated program even has a chance to become fully established. **Electronic waste is toxic and must be kept out of our landfills. E-waste also contains valuable metals that are important to recycle.**

**We are writing in opposition to SB793 and urge the committees to not advance this bill any further this session.** It is too early to propose such drastic changes, and the potential of weakening incentives, particularly to the detriment of convenience requirements on Neighbor Islands, is high. Act 151 should have at least 2 years to establish needed infrastructure (especially in previously underserved areas), promote public education and collect actual performance data before amendments are proposed.

Mahalo nui loa,

Jennifer Navarra  
Program Director  
Zero Waste Hawaii'i Island





February 28, 2023

Senator Jarrett Keohokalole  
Chair, Committee on Commerce and Consumer Protection

Senator Karl Rhoads  
Chair, Committee on Judiciary  
Hawaii State Legislature  
415 S Beretania St  
Honolulu, HI 96813

Re: Support SB 793 Relating to Recycling

Dear Chair Keohokalole and Chair Rhoads:

Funai Corporation, Inc., thanks you for opportunity to provide comments in support of SB 793 with amendments proposed by the Consumer Technology Association (CTA).

This bill proposes a few adjustments to the e-waste law that passed last year (Act 151, Session Laws of Hawaii 2022). Act 151 passed last year passed in its original form with no amendments, despite manufacturers pointing out at the time that the escalating recycling goals of 50%, 60% and ultimately 70% of collection by pound could not be met due to the historic declines in weight of new devices during the past 2 decades. Devices have gotten much lighter which means the amount of e-waste available for recycling is declining, not increasing as the current law assumes. The penalty fees were also significantly increased in last year's law, resulting in Hawaii having a shortfall fee that is 3 times higher than any implemented in any other state.

We are supportive of the fact that the law increased e-waste collection sites across the state, but believe that the unreachable weight targets will only result in manufacturers paying significant penalty fees into the e-waste special fund. This amounts to the mere collection of penalty money by the state, instead of allowing manufacturers to use those funds to invest in more e-waste collection sites as is provided for by the new law.

Fixing this law cannot wait another year because costs will escalate in the coming year for consumers and manufacturers, based on the unreachable escalating annual targets set in the law.

We also support the amendments being proposed by the CTA, which represents a compromise -- the amendments adjust the goals and penalty fees to a more reasonable amount, but still provide for a target recycling goal of 50% to be consistent with the original intent of Act 151.

Thank you very much for the opportunity to comment on this proposal.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gregg Chason", written over a blue circular stamp.

Gregg Chason  
Vice President, Government & Industry Affairs





February 27, 2023

Senator Jarrett Keohokalole  
Chair, Committee on Commerce and Consumer Protection

Senator Karl Rhoads  
Chair, Committee on Judiciary  
Hawaii State Legislature  
415 S Beretania St  
Honolulu, HI 96813

**Re: Support SB 793 Relating to Recycling**

Dear Chair Keohokalole and Chair Rhoads:

Thank you for the opportunity to provide comments in support of SB 793 with amendments proposed by the Consumer Technology Association.

The Electronic **M**anufacturers **R**ecycling **M**anagement Co. (MRM) plans and coordinates electronics recycling programs for sixteen manufacturers in Hawaii and over fifty manufacturers across the United States. We operate recycling programs in twenty states and the District of Columbia. We support several Hawaii-based electronics collectors and recyclers through our work with national electronics recyclers. We have had a recycling plan approved by the Hawaii Department of Health since the first year the recycling law went into effect.

SB 793 proposes a few adjustments to the e-waste law that passed last year (Act 151, Session Laws of Hawaii 2022). Act 151 passed last year passed in its original form with no amendments and included escalating goals of 50%, 60% and ultimately 70% of collection by pounds. Based on MRM's extensive program operation experience, both in Hawaii and nationally, we do not believe it is feasible to meet these goals based on historic declines in weight of new devices during the past two decades. Devices have gotten much lighter which means the amount of e-waste available for recycling is declining, not increasing as the current law assumes. Furthermore, the penalty fees were also significantly increased in last year's law, resulting in Hawaii having an extreme shortfall fee at a time when year-over-year weight of devices is declining.

We support the fact that the law increased e-waste collection sites across the state. We continue to work with our contracted recyclers to increase locations across your entire State, but we believe the weight targets are unreachable - even while we are expanding the collection locations available to your citizens and businesses significantly. We are concerned that extreme weight targets and penalties will only result in manufacturers paying significant penalty fees into the e-waste special fund. We believe using these funds for *recycling* rather than penalty payments will benefit your citizens and businesses more than a penalty payment will.

**Electronic Manufacturers Recycling  
Management Company LLC**  
5775 Wayzata Boulevard, Suite 700  
Minneapolis, MN 55416  
Tel: (952) 582-2965



Based on our electronics recycling operations experience we believe amending this law cannot wait another year because costs will escalate in the coming year for consumers and manufacturers, based on the unreachable escalating annual targets set in the law.

We also support the amendments being proposed by the Consumer Technology Association, which represents a compromise --- the amendments adjust the goals and penalty fees to a more reasonable amount, but still provide for a target recycling goal of 50% to be consistent with the original intent of Act 151.

Thank you very much for the opportunity to comment on this proposal.

Sincerely,

*Patricia A Conroy*

Patricia A Conroy  
Executive Director

**SB-793**

Submitted on: 2/27/2023 8:47:32 AM

Testimony for CPN on 2/28/2023 9:36:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Evan Takita	Testifying for Mr Ks Recycling	Oppose	Written Testimony Only

Comments:

Comments:

To whom it may concern

This letter is in regards to the proposed changes to reduce the fines of non-compliance to manufacturers.

It is proposed that the fees/fines that are attached to the private manufacturers for non-compliance of recycling their items (sold,old, broken) be lowered.

If this proposal is passed manufactureres might decide that they can afford not to recycle or take responsibility of recycling their products properly.

In the past he county/government supplimented the lost to recycle. But with funds being appropriated elsewhere and the increase of costs to recycle responsibly going up (shipping,gas, labor) it is a hardship.

So how does it impact the environment .... the big picture if the consumer cannot recycle it or have a place to take it, they will dump it on the side of the road.

Electronics have hazardous materials that are not good for the environment, contaminating our land and especially our water.

Batteries use lithium, lead and other contaminants that can also affect our water and oceans.

If there is a reduction in fines to the manufacturers (who mass produce products and make millions) for doing their part to recycle, we will pay the price.

Their worst case scenario, the price of th items will go up. Or they may decide to not service us with their product, in which case we find antoher manufacturer who is more environmentally aware.

The best case scenario, they (the manufacturer) take responsibility, pay what is asked to recycle their products properly thus saving our fragile island paradise and creating jobs for our people here on Hawaii Island.





**LATE**

Mr. K's Recycle and Redemption Center has served as Hawai'i Island's electronic waste collector for over 10 years. In addition, Mr. K's refurbishes electronics and sells devices and parts for re-use. We are proud to be a part of the ecosystem diverting toxic e-waste and fire hazards from the landfill, extending the use of valuable resources, and making electronic devices available at affordable prices for our County.

Mr. K's opposes SB 793, which amends recycling goals, penalties and definitions under the Electronic Device Recycling and Recovering Act, for the following reasons:

1) The bill fails to clarify that it proposes changing the basis of recycling goals by weight from a percentage of "the manufacturer's electronic devices sold in the State two years prior" to the manufacturer's market share times the "covered electronic device recycled by all electronic device manufacturers during the previous program year" (emphasis added).

a) Because recycling weight is significantly lower than weight sold, this lowers recycling goals.

b) The lower the recycling weight, the lower the next year's goals. This can incentivize manufacturers to reduce recycling.

2) The bill fails to consider the costs of recycling for Neighbor Islands.

a) O'ahu has a metropolitan hub with an incinerator. On Hawai'i Island, not only does Mr. K's have to deal with transportation across a large rural area, but we also must ship electronic waste to the West Coast. Costs increase when recyclers are based further inland


b) A penalty that is too low will incentivize manufacturers to pay the penalty rather than recycle on Neighbor Islands.

i) The previous penalty of \$0.55/pound for TVs, in place for 13 years, represented the cost of only transporting covered devices from Hawai'i Island to a Mainland recycler in 2022. It falls short of including expenses such as collection, recycling and administration.

ii) The fourth tier penalty of \$0.50 per pound is lower than the 2009 penalty of \$0.55 per pound. Hawai'i County's free residential electronic collection programs have had to close twice in three years due to cost. Our landfills are in crisis. Let us remain committed to what is realistically needed for an effective electronic waste recycling program. Thank you for the opportunity to testify in opposition to HB 595

I also want to include the following because it needs to be said:

Bill SB793 will water the act 151 that the state put into place, it was just put into effect last year. This is end of February and we are just starting to follow through with implanting the law so it is still too early to be changing the obligation percentages.

- 
- A) People in Honolulu can leave their e-waste for curbside pickup. This e-waste is being burned and no one is aware. People need to be aware that there's a law in place so they cannot be burning e-waste. Burnt e-waste releases chemicals that are toxic to the body. The people in the state of Hawaii need to understand that because e-waste is being burned and there are trace elements such as plastic mercury and lead in our body. People also need to understand that we are contributing to global warming, which you can see since we have been experiencing extremely colder and hotter weather patterns.
  - B) This bill will water down the percentages. OEMs will only take weight from Honolulu being that it's cheaper. In Honolulu they will burn the e-waste. There's no landfill ban on e-waste for Big Island so if people can't recycle it, they will throw it into the landfill. It costs \$1200 to truck e-waste from Hilo to Kona and back to be shipped out and it costs and additional \$1200 to ship e-waste from Big Island to Honolulu and transportation costs have continued to rise. If the obligations are based on percentages the OEMs will not take e-waste from Big Island, as long as they have a presence on Big Island they can take all their weight from Oahu.
  - C) The bill needs to have something included that says they can't be based on the amount recycled they need to held accounted for the shortfall weight they did not take in otherwise they will lower their recycling goals year after year.

**SB-793**

Submitted on: 2/27/2023 9:30:06 AM

Testimony for CPN on 2/28/2023 9:36:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Claire Cea	Testifying for Mr. K's Recycle & Redemption Center Inc.	Oppose	Written Testimony Only

Comments:

This proposed bill to amend Act 151 would completely undermine the intent of the law that was put into place last year. We have only just begun navigating this new law and so far, dealing with the changes the law has put into place has been a learning experience. Although act 151 brought new hurdles they are easy to overcome because of the weight that is available on the Big Island. Since the year has started, we've had a certain government agency make an appointment multiple times a week to drop off all the e-waste they have accumulated in the past 10 years. They didn't want to bring anything in to be recycled before because they didn't want to have to pay. They dropped off a total of almost 20,000 lbs. of e-waste so far.

The community, especially commercial customers, have been very appreciative that Act 151 allows them to have a consistent recycling program to drop off their waste to be recycled. A third of the weight we've collected has been from commercial companies who have not had a free e-waste recycling event since 2019. Even residential customers have a more consistent recycling program since there is not a chance it will be abruptly ended due to a lack of funds. Over the past few years, we have seen that when the free e-waste recycling program stops, recycling decreases because people don't want to pay fees, but in the times where there is a consistent program implemented all year, recycling remains consistent also.

Manufacturers are nervous about new fees and recycling goals, but these parameters are meant to ensure that the electronics they have no problem selling in Hawaii are responsibly disposed of and recycled, instead of being dumped in our landfills contaminating Hawaii. If manufacturers want to meet their recycling goals, it is counterintuitive to exclude floor standing printers from the e waste law since they are usually hundreds of pounds each. Floor standing printers have the exact same features as their desktop counterparts so they should remain included in the e waste law.

It doesn't make sense for only TV manufacturers to be obligated to take care of all the e-waste based on their market share if all types of electronics, like desktops, laptops, printers, etc. are being sold in Hawaii. It also doesn't make sense for obligations to be based on weight recycled because OEMs can intentionally lower annual obligations by purposely recycling less each year. If obligations are based on the weight sold it would be a more accurate figure of what the OEMs should be taking in. It is contradictory to be concerned that electronics weigh less now and the

impact that would have on recycling obligations. If a light laptop was sold last year, that is not what would be recycled this year. Older, heavier models would come in to be recycled so obligations would be easier to meet. The same goes for TVs, printers, monitors, and desktop computers in the sense that older models that will be dropped off for recycling are much heavier than their more modern counterparts.

So far we are well on track to collect over a million pounds of e-waste on Big Island alone. With that said, the law is still fresh, and it is premature to want to change the law without any data or indication that the goals are unattainable or that the cost is unrealistic given Hawaii's high labor and transportation costs.

February 28, 2023

Senator Jarrett Keohokalole  
Chair, Committee on Commerce and Consumer Protection

Senator Karl Rhoads  
Chair, Committee on Judiciary  
Hawaii State Legislature  
415 S Beretania St  
Honolulu, HI 96813

**Re: Support SB 793 Relating to Recycling**

Dear Chair Keohokalole and Chair Rhoads:

On behalf of the Consumer Technology Association (CTA), thank you for opportunity to provide comments in **support** of SB 793 with amendments. CTA is the trade association representing the U.S. consumer technology industry – including manufacturers of televisions and computer equipment who pay for the electronics recycling program which is the subject of this legislation. We also represent retailers of these and other consumer technology products.

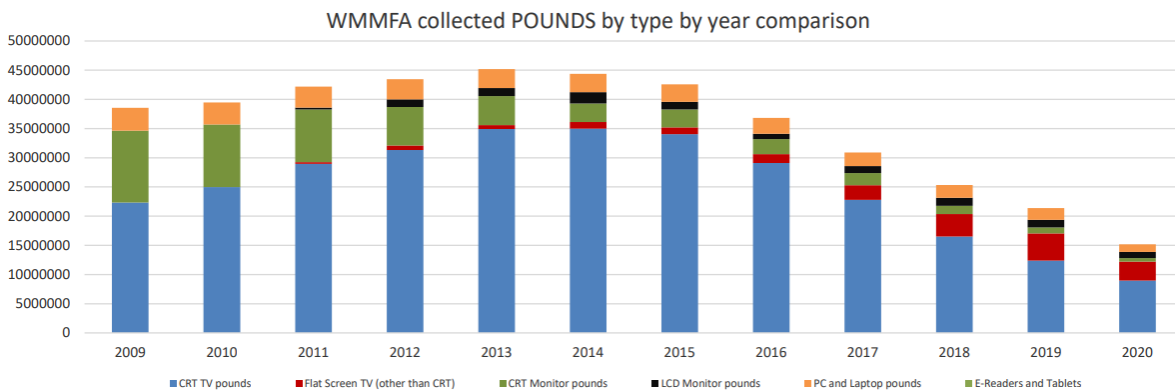
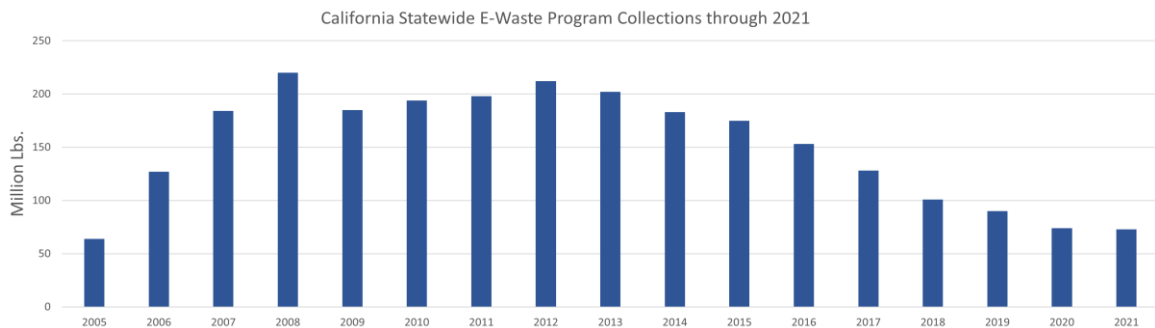
The purpose of this bill and our proposed amendments is to address unintended consequences of Act 151 Session Laws of Hawaii 2022, which significantly expanded the electronics waste recycling law. Notably, this law passed in its original form (HB 1640) with no amendments made during the 2022 legislative session. Manufacturers raised concerns that this bill would create significant unintended impacts, especially because the weight targets would simply not be met due to the historic declines in the weight of electronics put onto the market during the past 2 decades. We believe that the amendments we are proposing are reasonable tweaks to the law, which will still result in robust and expanded e-waste collection, and allow manufacturers to invest in collection sites and events.

**Background**

Since enactment of Act 151, our member companies have stepped up collections of e-waste in Hawaii through a combination of new permanent drop-off sites and new collection events. We are meeting the new collection convenience requirements and have picked up the entire cost of the system so that as of January 1, 2023 no Hawaii consumer will have to pay to drop off their old TV or computer for recycling. We have adjusted to this new set of requirements and are not asking for any change relating to the mandate on us to provide convenient collection opportunities with free drop-off.

**However, CTA has heard from multiple manufacturers since the passage of Act 151, the cost of complying with the Hawaii e-waste law has more than doubled.** CTA has also heard from manufacturers that this escalation in cost will mean that for at least some of them selling covered devices in Hawaii will be at a loss – an unsustainable situation for any commercial enterprise.

**Also, the escalation of pound targets to 60% of pounds sold in 2024 and 70% in 2025 is simply unachievable based on national and state data.** Not only is e-waste not increasing, but according to the latest U.S. EPA data (see table 14 of [this report](#)), consumer electronics are the fastest declining product in the municipal waste stream. Also below are charts showing the trends in California and Washington who both have mature electronics recycling programs with a large and stable collection system:



Hawaii’s numbers also reflect this trend, based on Department of Health Data, where collections under the old system peaked in 2014 and have been steadily decreasing since.

While we are hopeful that the current year’s target of 50% is achievable, manufacturers and their recycling and collection vendors are having to scramble to collect enough to reach the target – a target which is nearly 50% higher than actual collections in 2022. While the additional collection requirements under the new law will result in a one-year increase in collections in Hawaii in 2023, the amount available for recycling will continue to trend down

from the new 2023 baseline amount as older/heavier devices are recycled by consumers. The overall downward trend for e-waste is expected to continue until at least 2026, thus making compliance with the escalating targets unachievable.

Furthermore, the new law includes a shortfall fee of \$1.50 for every pound a manufacturer is short of this target. While CTA supports shortfall fees to ensure a level playing field for compliance across manufacturers, this amount is 3 times higher than any other state and has distorted the recycling market in Hawaii.

## **CTA Request**

We have collaborated with stakeholders to discuss this measure and refine it to address various concerns. We respectfully ask the joint committees to pass the attached proposed S.D.1 which includes the following key amendments:

- 1) **Retain the 50% by sales weight collection target, but delete the escalating goals of 60% and 70%.** This will result in manufacturers being able to invest resources to continue to expand collection networks, rather than simply paying penalties into the department's e-waste special fund.
- 2) **Amend the shortfall penalties.** This amendment would maintain a proposed tiered system of shortfall fees, but we would propose to make the penalties slightly higher than the original version of S.B. 793 in response to discussions among stakeholders. This would still help to avoid market distortions, while maintaining a level playing field for manufacturer compliance in the e-waste collection system.

The attached proposed S.D. 1 contains the above compromises, simplifies the bill and adds a few other technical changes. We believe that the proposed S.D.1 will help manufacturers fund e-waste collection at the higher levels established by Act 151, and also ensure continued access of Hawaii consumers to the full range of consumer electronics going forward.

Finally, CTA is committed to continuing discussions to support program implementation in Hawaii to improve information dissemination about e-waste collection events to interested stakeholders, and is interested, for example, in developing a new email-based notification system of upcoming collection events by zip code. Furthermore, CTA plans to convene an informal working group of all parties involved in implementation of the Hawaii electronics recycling system – collectors, recyclers, manufacturers, county and state officials – to meet at least annually to review system performance and identify any areas where the system could be improved. CTA believes that these additional implementation support activities, which will be done at the industry's expense, will continue to improve Hawaii's e-waste recycling program.

Thank you again for the opportunity to testify and provide our comments. If you have any questions, please do not hesitate to contact me at [walcorn@cta.tech](mailto:walcorn@cta.tech).

Sincerely,

A handwritten signature in black ink, appearing to read "Walter Alcorn" with a long horizontal flourish extending to the right.

Walter Alcorn

Vice President, Environmental Affairs and Industry Sustainability  
Consumer Technology Association



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# A BILL FOR AN ACT

RELATED TO RECYCLING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

SECTION 1. The legislature finds that Act 151, Session Laws of Hawaii 2022 (Act 151), amended the Electronic Device Recycling and Recovery Act to make wholesale changes to the State's electronic waste recycling program. These changes included, among other things:

- (1) The expansion of the program to include all electronic devices rather than just televisions;
- (2) Established electronic device manufacturer recycling goals based on the weight of devices **sold collected**;
- (3) Requirement for each manufacturer to establish **at least** twenty-five collection sites **in across** the State for the collection of electronic devices; and
- (4) Established registration and reporting requirements for electronic device collectors.

The legislature further finds that the expansion of the electronics waste recycling law has resulted in increased electronic collection opportunities. However, in the implementation of this updated program, manufacturers have struggled to comply with all of the requirements of

Act 151. Specifically, the annual step increases in electronic recycling goals based on weight has resulted in no realistic way for manufacturers to meet their goals, even with increased device collection programs, because weights for electronic devices have collectively become lighter over time. In addition, the increased penalties in Act 151 for failing to meet the electronic device collection requirements is three times higher than implemented in any other state. This has resulted in significant cost increases, which ultimately may be passed onto customers.

Accordingly, the purpose of this Act is to:

- (1) Amend the electronic manufacturer recycling goals under the Electronic Device Recycling and Recovery Act so that the recycling goals are ~~fixed at 50% of the weight sold based upon the manufacturer's overall market share~~ in the State;
- (2) Amend the per pound penalty for any shortfall in meeting manufacturer recycling goals to a tiered penalty based upon the amount of the shortfall;
- (3) Amend the definition of ~~covered~~ electronic devices to clarify the scope of covered devices; and
- (4) Make other housekeeping amendments.

SECTION 2. Section 339D-1, Hawaii Revised Statutes, is amended ~~as follows:~~

~~1. By adding a new definition to be appropriately inserted and to read:~~

~~———"Market share" means the calculation of an electronic device manufacturer's prior year's sales of televisions divided by all the manufacturers' prior year's sales for all electronic devices, as determined by the department, which may be expressed as a percentage, fraction, or decimal fraction."~~

~~——2.——]~~by amending the definition of "electronic device" to read as follows:

"Electronic device":

(1) Means:

- (A) A computer, computer printer, computer monitor, or portable computer with a screen size greater than four inches measured diagonally; and
- (B) Any device that is capable of receiving broadcast, cable, or satellite signals and displaying television or video programing, including any direct view or projection television with a viewable screen of nine inches or larger with display technology based on cathode ray tube, plasma, liquid crystal, digital light processing, liquid crystal on silicon, silicon crystal reflective display, light emitting diode, or similar technology; and

(2) Shall not include:

- (A) An electronic device that is a part of a motor vehicle or any component part of a motor vehicle assembled by or for

- a motor vehicle manufacturer or franchised dealer,  
including replacement parts for use in a motor vehicle;
- (B) An electronic device that is functionally or physically required as a part of a larger piece of equipment designed and intended for use in an industrial, commercial, or medical setting, including diagnostic, monitoring, or control equipment;
- (C) An electronic device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier;
- (D) A telephone of any type including a mobile telephone; [~~or~~]
- (E) A global positioning system[~~-~~]; or
- (F) Beginning January 1, 2024 and thereafter, floor-standing printers, or printers with optional floor stands."

SECTION 3. Section 339D-8, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

"(g) If a manufacturer fails to meet its recycling goals pursuant to section 339D-23.1(c), the department shall impose a penalty of [~~\$1.50~~] the following rates per pound for each pound not recycled:

(1) If the manufacturer achieves less than fifty per cent of its recycling goal, the penalty will be \$1.50 per pound;

(2) If the manufacturer achieves ~~more than~~ fifty per cent ~~or more~~ but less than seventy-five per cent of its recycling goal, the penalty will be \$~~1.00~~1.25 per pound;

(3) If the manufacturer achieves ~~more than~~ seventy-five per cent ~~or more~~ but less than ninety per cent of its recycling goal, the penalty will be \$~~0.75~~0.90 per pound; and

(4) If the manufacturer achieves ~~more than~~ ninety per cent ~~or more~~ but less than one hundred per cent of its recycling goal, the penalty will be \$~~0.50~~0.70 per pound."

SECTION 4. ~~Section 339D-23, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:~~

~~"(b) By September 1, 2022, and annually thereafter, each manufacturer shall submit a plan to the department to establish, conduct, and manage a program for the recycling of electronic devices sold in the State, which shall be subject to the following conditions:~~

~~(1) The plan shall not permit the charging of a fee at the point of collection if the electronic device is brought by the electronic device owner to a central location for recycling; provided that the plan may include a reasonable transportation fee if the manufacturer or manufacturer's agent removes the electronic device from the owner's premises at the owner's request and if the removal is not in conjunction with delivery of a new electronic device to the owner;~~

~~(2) The plan shall include a description of the methods for the convenient collection of electronic devices at no cost to the owner,~~

~~except as provided in paragraph (1). The recycling plan shall provide for collection services of electronic devices in each county and zip code tabulation area, as defined by the United States Census Bureau, with a population greater than twenty-five thousand. The recycling plan shall include at least one of the following:~~

- ~~———— (A) Staffed drop-off sites;~~
- ~~———— (B) Alternative collection services, including on-site pick-up services; or~~
- ~~———— (C) Collection events held at an easily accessible, central location;~~
- ~~———— (3) The plan shall provide collection services at a minimum of once per month;~~
- ~~———— (4) The plan shall not contain only a mail-back option;~~
- ~~———— (5) The plan shall specify the use of only collectors registered with the State pursuant to section 339D-28; and~~
- ~~———— (6) The plan shall specify the use of recyclers that have achieved and maintained third-party accredited certification from the Responsible Recycling Standard for Electronics Recyclers (R2), Standard for Responsible Recycling and Reuse of Electronic Equipment (e-Stewards), or an internationally accredited third-party environmental management standard for the safe and responsible handling of electronic devices."~~

~~———— SECTION 5.~~ Section 339D-23.1 (c), Hawaii Revised Statutes, is amended to read as follows:

~~" [ [ ] §339D-23.1 [ ] ] Manufacturer recycling goals. [ (a) The department shall use the best available information to establish the weight of all electronic devices sold in the State, including the reports submitted pursuant to section 339D-23.3, state and national sales data, and other reliable commercially available, supplemental sources of information.~~

~~\_\_\_\_\_ (b) No later than October 1, 2022, and annually thereafter, the department shall notify each manufacturer of its recycling obligation pursuant to subsection (c).] (a) The department shall use state-specific electronic device sales data or national covered electronic device sales data available from commercially available analytical sources to determine each electronic device manufacturer's recycling responsibilities for covered electronic devices based upon the electronic device manufacture's market share by weight of new covered electronics sold in Hawaii. If the department uses national sales data, the department shall extrapolate data for the State from national data on the basis of the State's share of the national population. The department shall seek to establish the most accurate determination of each manufacturer's market share and may rely on supplemental sources of information to achieve this goal.~~

~~\_\_\_\_\_ (b) No later than August 1, 2023, and annually thereafter, the department shall notify each electronic device manufacturer of its recycling obligation. Each electronic device manufacturer's obligation shall be based on that electronic device manufacturer's market share by~~

~~weight from the previous year multiplied by the total pounds of covered electronic device recycled by all electronic device manufacturers during the previous program year.~~

(c) ~~Each manufacturer shall collect and recycle electronic devices according to the following:~~

~~(1)~~ Beginning January 1, 2023, **each manufacturer shall collect and recycle** the equivalent of fifty per cent, by weight, of the manufacturer's electronic devices sold in the State two years prior, unless amended by rule pursuant to chapter 91~~7~~.

~~[(2) Beginning January 1, 2024, the equivalent of sixty per cent, by weight, of the manufacturer's electronic devices sold in the State two years prior, unless amended by rule pursuant to chapter 91; and~~

~~— (3) Beginning January 1, 2025, the equivalent of seventy per cent, by weight, of the manufacturer's electronic devices sold in the State two years prior, unless amended by rule pursuant to chapter 91.]~~

~~(d) A manufacturer may collect any electronic device to meet its recycling goal.~~

~~(e) A manufacturer may consider reused electronic devices toward achieving its recycling goals."~~

~~SECTION 6.~~

SECTION **65**. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION **76**. This Act shall take effect upon its approval.





**BY ELECTRONIC MAIL**

February 27, 2023

Senator Jarrett Keohokalole  
Chair, Committee on Commerce and Consumer Protection

Senator Karl Rhoads  
Chair, Committee on Judiciary  
Hawai'i State Legislature  
415 S Beretania St  
Honolulu, HI 96813

RE: Support SB 793 Related to Recycling

Dear Chair Keohokalole and Chair Rhoads:

Thank you for the opportunity to share our **support for SB 793**. By way of brief introduction, my name is Caitlin Sanchez, and I am the Vice President, Associate General Counsel, Compliance and Policy, for VIZIO, Inc. VIZIO is an American consumer electronics company, founded and headquartered in Orange County, California.

As a leader in the television industry, we acknowledge our responsibility to ensure proper end-of-life management for our products. VIZIO's longstanding electronic waste recycling program is evidence of the importance VIZIO places on environmental sustainability, and we are proud to be an eStewards enterprise organization. VIZIO is in alignment with the goals of Hawai'i's Electronic Device Recycling and Recovery program to ensure products are recycled safely and in a manner protective of human health and the environment.

VIZIO supports SB 793 with the amendments proposed by the Consumer Technology Association (CTA). This bill proposes needed adjustments to the e-waste law that passed last year (Act 151, Session Laws of Hawai'i 2022). In its current form, Act 151 sets unreachable escalating annual targets with highly punitive shortfall fees that are three times more than any other state. Instead of increasing e-waste collections, the effect of this law will be only increased penalties paid by manufacturers.

VIZIO shares Hawai'i's focus on offering residents access to convenient collection sites for recycling their used electronics. This shared goal can be accomplished more effectively with the changes proposed by SB 793, instead of trying to meet unrealistic weight targets when e-waste available for recycling is declining due to decreasing weight of devices.

The amendments represent a compromise negotiated by CTA to adjust the goals and penalty fees to a more reasonable amount, while still providing a target recycling goal of 50% to be consistent with the original intent of Act 151.

VIZIO respectfully asks for your support of SB 793 and the proposed amendments.

Sincerely,  
Caitlin Sanchez  
Vice President, Associate General Counsel, Compliance and Policy

**VIZIO**

**LATE**

February 27, 2023

Senator Jarrett Keohokalole  
Chair, Committee on Commerce and Consumer Protection

Senator Karl Rhoads  
Chair, Committee on Judiciary  
Hawaii State Legislature  
415 S Beretania St  
Honolulu, HI 96813

**Re: Support SB 793 Relating to Recycling**

Dear Chair Keohokalole and Chair Rhoads:

TCL North America thanks you for opportunity to provide comments in **support** of SB 793 with amendments proposed by the Consumer Technology Association.

This bill proposes a few adjustments to the e-waste law that passed last year (Act 151, Session Laws of Hawaii 2022). Act 151 passed last year passed in its original form with no amendments, despite manufacturers pointing out at the time that the escalating recycling goals of 50%, 60% and ultimately 70% of collection by pound could not be met due to the historic declines in weight of new devices during the past 2 decades. Devices have gotten much lighter which means the amount of e-waste available for recycling is declining, not increasing as the current law assumes. The penalty fees were also significantly increased in last year's law, resulting in Hawaii having a shortfall fee that is 3 times higher than any implemented in any other state.

We are supportive of the fact that the law increased e-waste collection sites across the state, but believe that the unreachable weight targets will only result in manufacturers paying significant penalty fees into the e-waste special fund. This amounts to the mere collection of penalty money by the state, instead of allowing manufacturers to use those funds to invest in more e-waste collection sites as is provided for by the new law.

Fixing this law cannot wait another year because costs will escalate in the coming year for consumers and manufacturers, based on the unreachable escalating annual targets set in the law.

We also support the amendments being proposed by the Consumer Technology Association, which represents a compromise --- the amendments adjust the goals and penalty fees to a more reasonable amount, but still provide for a target recycling goal of 50% to be consistent with the original intent of Act 151.



Thank you very much for the opportunity to comment on this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan King".

Jonathan King  
Vice President Corporate & Legal Affairs  
TCL North America

**SB-793**

Submitted on: 2/25/2023 7:53:13 AM

Testimony for CPN on 2/28/2023 9:36:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In support. Thank you.

**SB-793**

Submitted on: 2/24/2023 8:01:56 PM

Testimony for CPN on 2/28/2023 9:36:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Noel Morin	Individual	Oppose	Written Testimony Only

Comments:

Dear Chairs Keohokalole and Rhoads, Vice Chairs Fukunaga and Gabbard, and Committee members,

I oppose SB793 as it will have a detrimental effect on our efforts to recycle materials, particularly in neighboring islands. We need solutions that will enhance our recycling effectiveness. This bill will create loopholes and barriers that will negatively impact recycling processes.

Mahalo for the opportunity to testify in opposition to SB 793.

Noel Morin

**SB-793**

Submitted on: 2/25/2023 7:43:14 PM

Testimony for CPN on 2/28/2023 9:36:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Virginia Tincher	Individual	Oppose	Written Testimony Only

Comments:

Members of the CPN/JDC Committees,

Thank you for the opportunity to testify on SB793

I strongly oppose this bill.

1. SB 793 disproportionately shifts the cost of recycling all electronic devices to only television manufacturers.
2. The bill incentivizes manufacturers to reduce their recycling goals over time.
3. The bill's tiered penalties weaken incentives and fail to consider the higher costs of recycling for Neighbor Islands.
4. Since desktop printers are covered, it seems inconsistent for SB 793 to exclude floor-standing printers, or printers with optional floor stands, from the definition of electronic devices eligible for recycling. Items should not be excluded based on their location.

Our landfills are in crisis, and during a time of supply chain shortages in electronics, we should strengthen, not weaken a program to recycle and reuse our precious assets. Act 151 took effect only on January 1st, 2023, and already it has contributed to significantly increased electronic waste collection.

Thank you for the opportunity to testify in opposition to

SB 793.

Virginia Tincher

Aina Haina, Oahu

Aloha, Chairs Keohokalole and Rhoads, and Vice Chairs Fukunaga and Gabbard, and Committee Members,

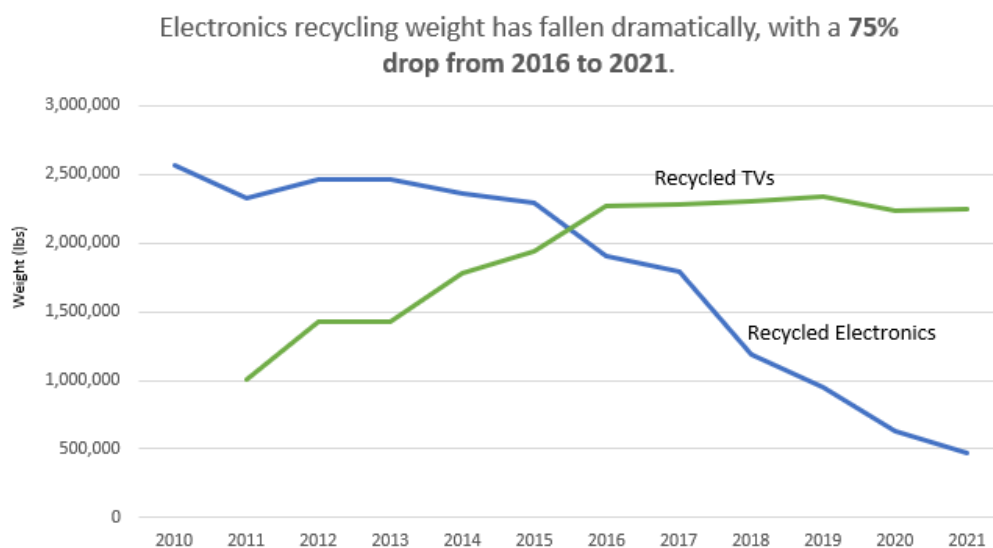
Hawai'i is struggling with trash. People will not pay at the point of disposal to responsibly recycle electronic waste: recycling by weight in Hawai'i County has decreased as the County shrunk its free e-waste collection budget. With Act 151, which enables device owners to recycle at no cost, as a Big Island resident, I have seen that both residential and commercial collections have significantly increased, even in just the two months the program has been in operation.

Despite this, manufacturers have expressed concern at "severe penalties" of \$1.50 for every pound below a manufacturers' recycling goal. They are concerned that, as devices get lighter, it will not be possible to achieve Act 151's recycling targets, which are 50% of total weight sold two years prior for 2023.

I would like to address the concerns that (1) manufacturers will suffer from penalties because the weight is not there to meet their Act 151 Recycling Goals, and (2) that any penalty pass-on costs to consumers will be meaningful.

1) **The electronic device and TV weight to achieve Act 151's recycling goals is there.**

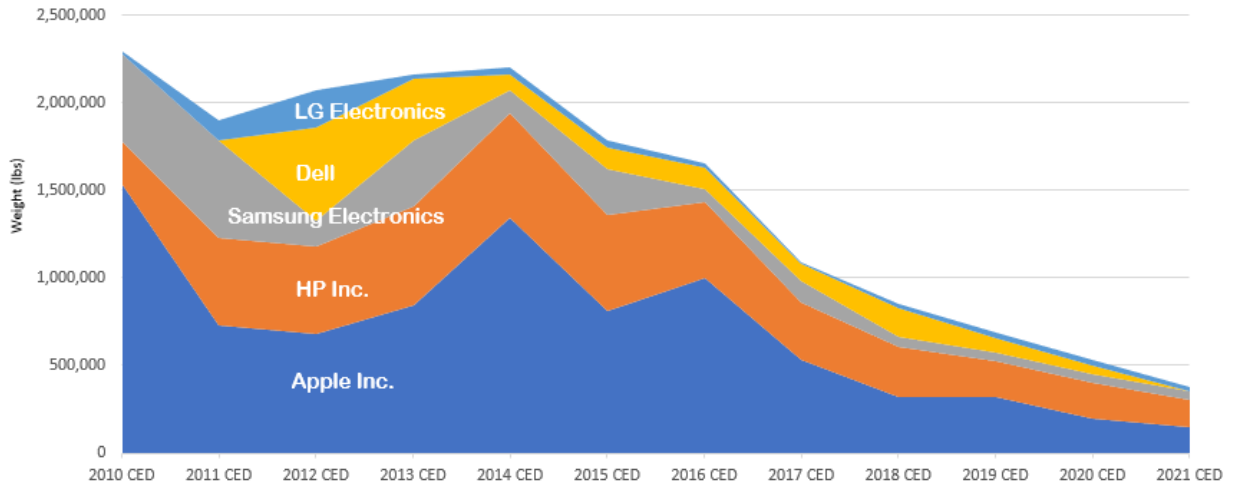
Prior to Act 151, Hawai'i set recycling targets only for TVs. Manufacturers were able to determine for themselves how much, or how little, they wanted to recycle. Data from the Department of Health (DOH) shows a steady and precipitous drop in recycled weight from 2010 to 2021, including a **75% drop over 5 years**, from 2016 to 2021.



DOH data shows that of the top 5 manufacturers by weight recycled, Apple and HP account for 72% of all covered electronic device weight over the 11-year period from

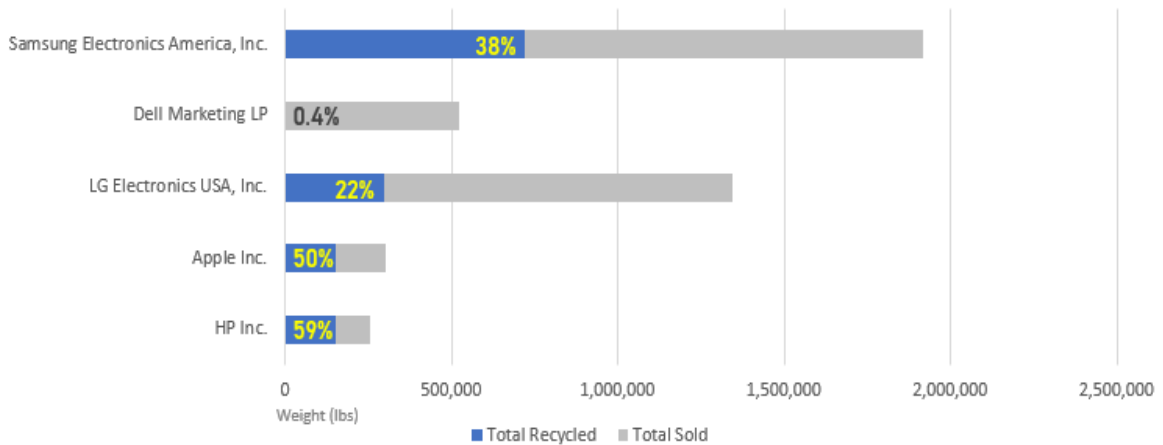
2010 to 2021. The other three manufacturers – Samsung, Dell and LG – over time shrink to a fraction of Apple and HP are recycling. Is this because Apple and HP are selling more products by weight in Hawai'i?

Apple and HP together account for **72%** of all recycled electronic device weight from 2010 - 2021.



DOH data for 2021 does not suggest a correlation between the total of covered TVs and covered electronic devices sold by weight and the total recycled by weight. (Covered electronic devices are combined with TVs because the weight sold data is combined/aggregated.) Samsung and LG recycle more by weight when TVs are included, but Apple and HP still recycle more as a percentage of the weight sold. Thus, even with devices getting lighter, there is a **significant amount that could potentially be recycled**.

TV & Electronic Devices: Weight Recycled compared to Weight Sold in 2021





At the hearing for HB 1640 HD2 (Act 151) before the Committees on Agriculture and Environment, Government Operations, and Energy, Economic Development, and Tourism on March 21, 2021, the Department of Health pointed out the difference in total recycling over 10 years between Apple (8.3 million pounds of CEDs) and Dell (1.6 million pounds of CEDs). “Both Apple and Dell collect the same electronic devices,” DOH wrote, “but **Apple has set higher recycling targets than Dell** for Hawaii” (emphasis added).

Further, DOH added that, under the current law (prior to Act 151), “manufacturers have no incentive to increase the amount of electronic devices they recycle in Hawaii.” Lacking manufacturer incentives, electronic device recycling in Hawai`i has precipitously declined.

In testimony supporting HB1640 HD2 (Act 151) before the House Committee on Finance dated February 24, 2022, Tamara L. Farnsworth, County of Maui Manager of Environmental Protection and Sustainability Division, wrote, “Even in the unlikely event that weights would decrease by 14% each year over two years, the highest percentage decrease shown in 2017 [in testimony by the Consumer Technology Association], the mandate would still be achievable. **Using the average decrease in weights or even the highest historical decrease, it is clear that the maximum 70% diversion will be achievable**” (emphasis in original).

Thus, it is clear that the weight to meet Act 151’s recycling goals is there. Act 151 brings the mandate needed to divert that weight away from Hawai`i’s landfills and gullies, and to ensure that they are responsibly recycled at no cost to device owners, and with convenience requirements for Neighbor Islands.

2) **Penalties passed on to consumers by manufacturers making good-faith efforts will be minimal, and pass-on costs will also be minimal for Hawai`i consumers already accustomed to the HI-5 program.**

Testimony in support of SB793 submitted at the prior AEN Committee hearing did not quantify how severe expected penalties might be. Because Act 151 has been in operation for less than two months, there is no data to assess this concern.

As a back-of-the-envelope estimation of what penalties might look actually like for consumers, below is a chart that uses 2021 total recycled weight by manufacturer – the most recent data available from DOH – and applies that against 2023 Recycling Goals established by Act 151. The 2021 recycled weight was collected before Act 151 was passed, and so should be considerably lower than 2023 collected weight. So it should lean conservatively towards penalties higher than expected.

The list below is a sampling of the better known brands and a few others, 19 out of the total 64 manufacturers registered with DOH for 2023. Act 151’s penalty of \$1.50 per pound is applied to every 2021 recycled pound below the 2023 Recycling Goal.

As a way to estimate the severity of the penalty passed on to customers, the total penalty was then divided by the estimated weight sold in 2024. 2022 testimony from Consumer Technology Association shows a table with annual decreasing weights at an average rate of 1.6% over the ten-year span from 2010 - 2020. Using that average rate, 2024 estimated weight sold is 2021 Weight x 95.2% (100% - (3 x 1.6%).


Column H calculates how the penalty for not meeting the 2023 penalty might be passed on to 2024 product costs.

**Ballpark Estimation of Act 151 Penalty Pass-on Costs to Hawai'i Consumers in 2024**

A	B	C	D	E	F	G	H
	Manufacturer	2021 Total Recycled Weight (lbs)	Act 151 2023 Recycling Goal (lbs)	Amount Below/ (Above) Target (lbs)	Penalty @ \$1.50 per Pound	Estimated 2024 Weight Sold*	Penalty per Pound
1	Samsung Electronics America, Inc.	722,393	959,376	236,983	\$ 355,474.50	1,826,652	\$ 0.19
2	LG Electronics USA, Inc.	297,261	672,885	375,624	\$ 563,436.00	1,281,173	\$ 0.44
3	TTE Technology, Inc.	365,637	285,436	(80,201)	Met Goal	543,470	Met Goal
4	Hisense USA	216,785	252,773	35,988	\$ 53,982.00	481,280	\$ 0.11
5	VIZIO, Inc.	324,536	231,003	(93,533)	Met Goal	439,830	Met Goal
6	Best Buy	152,921	220,339	67,418	\$ 101,127.00	419,525	\$ 0.24
7	Sony Electronics Inc.	67,625	187,336	119,711	\$ 179,566.50	356,688	\$ 0.50
8	Apple Inc.	151,429	152,045	616	\$ 924.00	289,494	\$ 0.00
9	Canon U.S.A., Inc.	1,200	129,372	128,172	\$ 192,258.00	246,324	\$ 0.78
10	HP Inc.	150,328	127,035	(23,293)	Met Goal	241,875	Met Goal
11	Acer America Corporation	30,020	97,760	67,740	\$ 101,610.00	186,135	\$ 0.55
12	Walmart Inc.	1,500	92,134	90,634	\$ 135,951.00	175,423	\$ 0.77
13	Lenovo (United States) Inc.	26,420	91,154	64,734	\$ 97,101.00	173,557	\$ 0.56
14	ASUS Computer International	304	76,442	76,138	\$ 114,207.00	145,546	\$ 0.78
15	Lexmark International, Inc.	5,295	45,281	39,986	\$ 59,979.00	86,215	\$ 0.70
16	Amazon.com Services LLC	1,500	44,641	43,141	\$ 64,711.50	84,996	\$ 0.76
17	MSI Computer Corp.	0	42,454	42,454	\$ 63,681.00	80,832	\$ 0.79
18	Funai Corporation, Inc.	55,646	39,405	(16,241)	Met Goal	75,027	Met Goal
19	Sceptre, Inc.	36,015	9,418	(26,597)	Met Goal	17,932	Met Goal

For Samsung, the penalty translates to \$0.19 per pound. Below are some popular products to illustrate what the penalty-pass on to consumers might look like.

**SAMSUNG TV**



A) Cost \$479.99

B) Weight (lbs) 45.4

C) Penalty/Lbs \$0.19

D) **Product Pass-on Cost (BxC)** **\$8.63**

E) Adjusted Product Cost (A+D) \$488.62

F) **% Increase (D/A)** **1.8%**

Samsung 65" Class 7 Series LED 4K UHD Smart Tizen TV

### CANON DESKTOP PRINTER



A] Cost	\$70.97
B] Weight (lbs)	16
C] Penalty/Lbs	\$0.78
D] <b>Product Pass-on Cost (BxC)</b>	<b>\$12.48</b>
E] Adjusted Product Cost (A+D)	\$83.45
F] <b>% Increase (D/A)</b>	<b>17.6%</b>

Canon PIXMA TR4720 All-in-One Wireless Printer Home use, with Auto Document Feeder, Mobile Printing and Built-in Fax

### LENOVO LAPTOP COMPUTER



A] Cost	\$329.99
B] Weight (lbs)	5
C] Penalty/Lbs	\$0.56
D] <b>Product Pass-on Cost (BxC)</b>	<b>\$2.80</b>
E] Adjusted Product Cost (A+D)	\$332.79
F] <b>% Increase (D/A)</b>	<b>0.8%</b>

Lenovo - 2022 - IdeaPad Flex 5i - 2-in-1 Chromebook Laptop Computer - Intel Core i3-1115G4 - 13.3" FHD Touch Display - 8GB Memory - 256GB Storage - Chrome OS

Hawai'i consumers are already accustomed to paying a pass-on cost to ensure responsible recycling of eligible beverage containers through the HI-5 program. As this sample illustrates, the pass-on costs, especially for higher-priced products like flat-screen TVs and computers, is minimal, even assuming the lower recycling rates of 2021.

Act 151 is already having a significant impact in increasing recycling in Hawai'i County. Let's give this new program at least 2 years and then assess actual performance data before proposing significant changes.

Thank you for the opportunity to submit testimony in **opposition to SB 793**.

**SB-793**

Submitted on: 2/26/2023 6:29:57 PM

Testimony for CPN on 2/28/2023 9:36:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ruth Robison	Individual	Oppose	Written Testimony Only

Comments:

I live in Hilo and care about making recycling successful. It is too early to propose such drastic changes, and the potential of weakening incentives, particularly to the detriment of convenience requirements on Neighbor Islands, is high. Hawai`i consumers are already accustomed to the manufacturer pass-on costs of responsible recycling for beverage containers through the HI5 program. Act 151 should have at least 2 years to establish needed infrastructure (especially in previously underserved areas), promote public education and collect actual performance data before amendments are proposed.

**SB-793**

Submitted on: 2/26/2023 6:41:47 PM

Testimony for CPN on 2/28/2023 9:36:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sherry Pollack	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB793 as it will have a detrimental effect on our efforts to recycle materials, particularly in neighboring islands.

**SB-793**

Submitted on: 2/26/2023 7:04:05 PM

Testimony for CPN on 2/28/2023 9:36:00 AM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Individual	Oppose	Written Testimony Only

Comments:

**Respectfully, I am OPPOSED to SB 793.** This bill is premature. Act 151 should have at least 2 years in place before making major amendments. It is too early to propose such drastic changes. Time is needed to establish necessary infrastructure (especially in previously underserved areas), promote public education and collect actual performance data before amendments are proposed.

Please defer this bill.

Mahalo!

Ted Bohlen

**SB-793**

Submitted on: 2/26/2023 7:32:21 PM

Testimony for CPN on 2/28/2023 9:36:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jotis Russell-Christian	Individual	Oppose	Written Testimony Only

Comments:

Position: OPPOSE SB 793

1. SB 793 disproportionately shifts the cost of recycling all electronic devices to only television manufacturers.
1. Background:
  1. Act 151 bases a manufacturer’s recycling goal on a set percentage of the weight of its electronic devices sold in the State two years’ prior.
  2. SB 793 amends this to base recycling goals on the manufacturer’s overall “market share in the State.”
    1. In section 2, the bill defines “market share” as “the calculation of an electronic device manufacturer’s prior year’s sales of televisions divided by all the manufacturers’ prior year’s sales for all electronic devices” (emphasis added).
    2. A manufacturer that sells only computers and printers, for example, would have no recycling goals because it doesn’t sell televisions.
  1. The bill incentivizes manufacturers to reduce their recycling goals over time.
    1. The bill amends the basis of recycling goals to the manufacturer’s market share (see #1) multiplied by the “covered electronic device recycled by all electronic device manufacturers during the previous program year” (emphasis added).
    2. Because weight recycled is significantly lower than weight sold, this creates lower recycling goals.
    3. The lower the recycling weight, the lower the following year’s goals. Combined with a tiered structure that weakens penalties (see #4), this bill creates a system that incentivizes manufacturers to reduce recycling.
  1. Weight not recycled will tend to end up in the landfill or the gully. This introduces toxic materials and plastics into the environment, and prevents the recovery of assets such as precious metals and reusable components.
1. The bill’s tiered penalties weaken incentives and fail to consider the higher costs of recycling for Neighbor Islands.

1. Background:
  1. Act 151 has an intentionally high penalty of \$1.50 for every pound below a manufacturer's recycling goal.
  2. SB 793 proposes penalty tiers of < 50% = \$1.50/pound, < 75% = \$1/pound, <90% = \$0.75/pound, and < 100% = \$0.50/pound.
1. O'ahu is a densely populated metropolis and the state capital. It also has a waste-to-energy incinerator. Neighbor islands face challenges such a lower population density, large geographic areas, or multiple islands. Hawai'i County has to ship to recyclers on the Mainland.
1. A penalty that is too low will incentivize manufacturers to pay the penalty rather than recycle on Neighbor Islands. This undermines the intent of the convenience requirement in Section 4, which mandates monthly collections (at minimum) at zip code areas with a population greater than 25,000. This, for example, mandates collections in Hilo and Kona in Hawai'i County.
1. Since desktop printers are covered, it seems inconsistent for SB 793 to exclude floor-standing printers, or printers with optional floor stands, from the definition of electronic devices eligible for recycling. Items should not be excluded based on their location.

Our landfills are in crisis, and during a time of supply chain shortages in electronics, we shoot ourselves in the foot to weaken a program that strengthens recycling and reuse of precious assets. Act 151 took effect only on January 1st, 2023, and already it has contributed to significantly increased electronic waste collection in Hawai'i County.

Thank you for the opportunity to testify in opposition to SB 793.



Mr. K's Recycle and Redemption Center has served as Hawai'i Island's electronic waste collector for over 10 years. In addition, Mr. K's refurbishes electronics and sells devices and parts for re-use. We are proud to be a part of the ecosystem diverting toxic e-waste and fire hazards from the landfill, extending the use of valuable resources, and making electronic devices available at affordable prices for our County.

Mr. K's opposes SB 793, which amends recycling goals, penalties and definitions under the Electronic Device Recycling and Recovering Act, for the following reasons:

1. The passage of Act 151 last year expanded Hawai'i's recycling program to include all electronic devices rather than just televisions; Bill SB 793 disproportionately shifts the cost of recycling all electronic devices to only television manufacturers.
1. In section 2, the bill defines "market share" as "the calculation of an electronic device manufacturer's prior year's sales of televisions divided by all the manufacturers' prior year's sales for all electronic devices" (emphasis added).
1. The bill creates a mechanism to incentivize manufacturers to reduce recycling goals over time
1. The current act bases a manufacturer's recycling targets on a percentage of the weight of eligible electronic devices sold in the state two years prior.
2. In Section 5, the bill changes the basis of recycling goals to the manufacturer's market share times the "covered electronic device recycled by all electronic device manufacturers during the previous program year" (emphasis added).
3. Because weight recycled is lower than weight sold, this lowers recycling goals.

Testimony of Mr. K's Recycle & Redemption Center, Inc.

SB 793

February 4, 2023

Page 2 of 2

1. The lower the recycling weight, the lower the following year's goals. Combined with tiered structure that weakens penalties, this bill creates a system that incentivizes to reduce rather than facilitate recycling.
2. Weight not recycled will tend to end up in the landfill or the gully, especially for Neighbor Islands. This introduces toxic materials and plastics into the environment, and prevents the recovery of assets such as precious metals and reusable components.
1. The bill fails to consider the higher costs of recycling for Neighbor Islands.

1. O'ahu has a metropolitan hub and a waste-to-energy incinerator. On Hawai'i Island, not only does Mr. K's have to deal with transportation across a large rural area, but we also have to ship electronic waste to the West Coast. Costs increase when recyclers are based further inland.
  2. A penalty that is too low will incentivize manufacturers to pay the penalty rather than recycle on Neighbor Islands. This undermines the intent of the convenience requirement in Section 4, which creates mandatory collections at no cost to owners in Hilo and Kona.
- 
1. Since desktop printers are covered, it does not seem consistent for SB 793 to exclude floor-standing printers, or printers with optional floor stands, from the definition of electronic devices eligible for recycling. This may open the door to excluding wall-mounted computer monitors and televisions, for example.

Hawai'i County's free residential electronic collection programs have had to close twice in three years due to cost. Our landfills are in crisis: Hawai'i County already trucks trash multiple times per day from the Hilo transfer station across the island to the lone open landfill in South Kohala. And the trucks return to Hilo empty. The current version of Act 151 has already contributed to strong electronic waste collection in Hawai'i County in the short time it has been in effect

Let us remain committed to what is realistically needed for an effective electronic waste recycling program.

Thank you for the opportunity to testify in opposition to SB 793.

**SB-793**

Submitted on: 2/26/2023 7:52:48 PM

Testimony for CPN on 2/28/2023 9:36:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kimi Palacio	Individual	Oppose	Written Testimony Only

Comments:

It is too early to propose such drastic changes, and the potential of weakening incentives, particularly to the detriment of convenience requirements on Neighbor Islands, is high. Hawai`i consumers are already accustomed to the manufacturer pass-on costs of responsible recycling for beverage containers through the HI5 program. Act 151 should have at least 2 years to establish needed infrastructure (especially in previously underserved areas), promote public education and collect actual performance data before amendments are proposed.

**SB-793**

Submitted on: 2/26/2023 8:03:31 PM

Testimony for CPN on 2/28/2023 9:36:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ellen Okuma	Individual	Oppose	Written Testimony Only

Comments:

I am OPPOSED to SB 793 related to recycling. It is premature to implement the specifics of the bill as worded. The current wording needs to be reviewed carefully and revisions need to be made. Please do NOT allow SB 793 to move forward. Mahalo.

**SB-793**

Submitted on: 2/26/2023 9:18:52 PM

Testimony for CPN on 2/28/2023 9:36:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Constance Bee	Individual	Oppose	Written Testimony Only

Comments:

Comments:

I oppose SB793 which modify recycling goals, penalties and definition and its program.

Our community have no consistency as far as a program that will bring assurance and support. which allows recycling as a convenience.

I oppose to the managing of electronic waste solution which includes, incineration of TV which burns lead and mercury, and also not including the recycling of stand up (Floor) printers and peripherals.

I oppose to the amending of the OEM recycling goals based on the manufacturer's overall market share in Hawaii based on the prior years sales by weight and not sold weight. The bill makes certain claims with no data and requires to prove them and takes no consideration as far as location, and Cost. Oahu, versus Neighbor island.

**SB-793**

Submitted on: 2/26/2023 11:12:28 PM

Testimony for CPN on 2/28/2023 9:36:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Matthew Geyer	Individual	Oppose	Written Testimony Only

Comments:

OPPOSE SB 793

We already have recycling issues in Hawaii and worldwide as well. Please don't make the problem worse.

**SB-793**

Submitted on: 2/27/2023 5:53:04 AM

Testimony for CPN on 2/28/2023 9:36:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Paul Montague	Individual	Oppose	Written Testimony Only

Comments:

Greetings,

I oppose SB 793. It is too early to propose such drastic changes, and the potential of weakening incentives, particularly to the detriment of convenience requirements on Neighbor Islands, is high. Hawai`i consumers are already accustomed to the manufacturer pass-on costs of responsible recycling for beverage containers through the HI5 program. Act 151 should have at least 2 years to establish needed infrastructure (especially in previously underserved areas), promote public education and collect actual performance data before amendments are proposed.

Mahalo!

Paul Montague

Ocean View

**SB-793**

Submitted on: 2/27/2023 7:11:52 AM

Testimony for CPN on 2/28/2023 9:36:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kris Bordessa	Individual	Oppose	Written Testimony Only

Comments:

I oppose the amendment to SB793. The turnaround on public testimony for this is awfully tight, but here I am, a concerned citizen, getting it out to you early on a Monday morning.

Recycling in Hilo and Kona is showing significant increases. Why are we questioning its success in **February**?? Let's give Act 151 a chance before we consider making changes to it. Consumers are concerned about the environment and willing to recycle. As infrastructure improves, as we educate people on how to do so, the situation can only improve.

What about the cost to citizens for recycling costs? Negligible.

We have GOT to stop catering to big corporations. The Consumer Technology Association is pushing to make it easier for corporations to shirk their duties. Stand up for the people of Hawaii and the earth. No on amending SB 793.



**SB-793**

Submitted on: 2/27/2023 7:28:14 AM

Testimony for CPN on 2/28/2023 9:36:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Helen Cox	Individual	Oppose	Written Testimony Only

Comments:

Please vote down SB793. Act 151 should have at least 2 years to establish needed infrastructure, especially in previously underserved areas such as Kauai, educate the public, and collect actual performance data before amendments are proposed.

Helen Cox, Kalaheo Kauai

**SB-793**

Submitted on: 2/27/2023 7:54:55 AM

Testimony for CPN on 2/28/2023 9:36:00 AM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Oppose	Written Testimony Only

Comments:

Hello,

My name is Nanea Lo. I'm born and raised in the Hawaiian Kingdom a Kanaka Maoli.

I OPPOSE SB 793:

1. SB 793 disproportionately shifts the cost of recycling all electronic devices to only television manufacturers.
  1. Background:
    1. Act 151 bases a manufacturer's recycling goal on a set percentage of the weight of its electronic devices sold in the State two years' prior.
    2. SB 793 amends this to base recycling goals on the manufacturer's overall "market share in the State."
  2. In section 2, the bill defines "market share" as "the calculation of an electronic device manufacturer's prior year's sales of televisions divided by all the manufacturers' prior year's sales for all electronic devices" (emphasis added).
  3. A manufacturer that sells only computers and printers, for example, would have no recycling goals because it doesn't sell televisions.
2. The bill incentivizes manufacturers to reduce their recycling goals over time.
  1. The bill amends the basis of recycling goals to the manufacturer's market share (see #1) multiplied by the "covered electronic device recycled by all electronic device manufacturers during the previous program year" (emphasis added).
  2. Because weight recycled is significantly lower than weight sold, this creates lower recycling goals.
  3. The lower the recycling weight, the lower the following year's goals. Combined with a tiered structure that weakens penalties (see #4), this bill creates a system that incentives manufacturers to reduce recycling.
1. Weight not recycled will tend to end up in the landfill or the gully. This introduces toxic materials and plastics into the environment, and prevents the recovery of assets such as precious metals and reusable components.
1. The bill's tiered penalties weaken incentives and fail to consider the higher costs of recycling for Neighbor Islands.
  1. Background:

1. Act 151 has an intentionally high penalty of \$1.50 for every pound below a manufacturer's recycling goal.
  2. SB 793 proposes penalty tiers of < 50% = \$1.50/pound, < 75% = \$1/pound, <90% = \$0.75/pound, and < 100% = \$0.50/pound.
  2. O'ahu is a densely populated metropolis and the state capital. It also has a waste-to-energy incinerator. Neighbor islands face challenges such a lower population density, large geographic areas, or multiple islands. Hawai`i County has to ship to recyclers on the Mainland.
- 
1. A penalty that is too low will incentivize manufacturers to pay the penalty rather than recycle on Neighbor Islands. This undermines the intent of the convenience requirement in Section 4, which mandates monthly collections (at minimum) at zip code areas with a population greater than 25,000. This, for example, mandates collections in Hilo and Kona in Hawai`i County.
  1. Since desktop printers are covered, it seems inconsistent for SB 793 to exclude floor-standing printers, or printers with optional floor stands, from the definition of electronic devices eligible for recycling. Items should not be excluded based on their location.

Our landfills are in crisis, and during a time of supply chain shortages in electronics, we shoot ourselves in the foot to weaken a program that strengthens recycling and reuse of precious assets. Act 151 took effect only on January 1st, 2023, and already it has contributed to significantly increased electronic waste collection in Hawai`i County.

Thank you for the opportunity to testify in opposition to SB 793.

Mr. K's Recycle and Redemption Center has served as Hawai`i Island's electronic waste collector for over 10 years. In addition, Mr. K's refurbishes electronics and sells devices and parts for re-use. We are proud to be a part of the ecosystem diverting toxic e-waste and fire hazards from the landfill, extending the use of valuable resources, and making electronic devices available at affordable prices for our County.

Mr. K's opposes SB 793, which amends recycling goals, penalties and definitions under the Electronic Device Recycling and Recovering Act, for the following reasons:

1. The passage of Act 151 last year expanded Hawai'i's recycling program to include all electronic devices rather than just televisions; Bill SB 793 disproportionately shifts the cost of recycling all electronic devices to only television manufacturers.
  1. In section 2, the bill defines "market share" as "the calculation of an electronic device manufacturer's prior year's sales of televisions divided by all the manufacturers' prior year's sales for all electronic devices" (emphasis added).
2. The bill creates a mechanism to incentivize manufacturers to reduce recycling goals over time
  1. The current act bases a manufacturer's recycling targets on a percentage of the weight of eligible electronic devices sold in the state two years prior.
  2. In Section 5, the bill changes the basis of recycling goals to the manufacturer's market share times the "covered electronic device recycled by all electronic device manufacturers during the previous program year" (emphasis added).
  3. Because weight recycled is lower than weight sold, this lowers recycling goals.

Testimony of Mr. K's Recycle & Redemption Center, Inc.

SB 793

February 4, 2023

Page 2 of 2

1. The lower the recycling weight, the lower the following year's goals. Combined with tiered structure that weakens penalties, this bill creates a system that incentivizes to reduce rather than facilitate recycling.
  2. Weight not recycled will tend to end up in the landfill or the gully, especially for Neighbor Islands. This introduces toxic materials and plastics into the environment, and prevents the recovery of assets such as precious metals and reusable components.
- 
1. The bill fails to consider the higher costs of recycling for Neighbor Islands.
    1. O'ahu has a metropolitan hub and a waste-to-energy incinerator. On Hawai'i Island, not only does Mr. K's have to deal with transportation across a large rural area, but we also have to ship electronic waste to the West Coast. Costs increase when recyclers are based further inland.
    2. A penalty that is too low will incentivize manufacturers to pay the penalty rather than recycle on Neighbor Islands. This undermines the intent of the convenience requirement in Section 4, which creates mandatory collections at no cost to owners in Hilo and Kona.
  2. Since desktop printers are covered, it does not seem consistent for SB 793 to exclude floor-standing printers, or printers with optional floor stands, from the definition of

electronic devices eligible for recycling. This may open the door to excluding wall-mounted computer monitors and televisions, for example.

Hawai`i County's free residential electronic collection programs have had to close twice in three years due to cost. Our landfills are in crisis: Hawai`i County already trucks trash multiple times per day from the Hilo transfer station across the island to the lone open landfill in South Kohala. And the trucks return to Hilo empty. The current version of Act 151 has already contributed to strong electronic waste collection in Hawai`i County in the short time it has been in effect

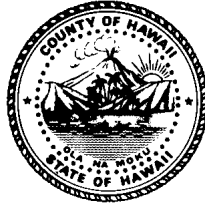
Let us remain committed to what is realistically needed for an effective electronic waste recycling program.

Thank you for the opportunity to testify in opposition to SB 793.

me ke aloha `āina,

Nanea Lo, Mō`ili`ili

**Jennifer Kagiwada**  
Council Member District 2 South Hilo



Office: (808) 961-8272  
jennifer.kagiwada@hawaiicounty.gov

## HAWAI'I COUNTY COUNCIL - DISTRICT 2

25 Aupuni Street • Hilo, Hawai'i 96720

DATE: February 27, 2023

TO: Senate Committee on Agriculture and the Environment

FROM: Jennifer Kagiwada, Council Member  
Council District 2

SUBJECT: SB 793

Aloha Chairs Keohokalole and Rhoads, Vice Chairs Fukunaga and Gabbard, and members of the Committee,

I am writing to you in **opposition of SB 793**. Last year Act 151 was enacted to create an extended producer responsibility program for electronic device recycling. Not only does the program make recycling free for all device owners, it also created convenience requirements for monthly (at minimum) collections at zip code areas with a population greater than twenty-five thousand. SB 793 **disproportionately shifts the cost of recycling** all electronic devices to only television manufacturers. This bill also incentivizes manufacturers to **reduce** their recycling goals over time, this is the opposite of what we want to be promoting. The bill amends the basis of recycling goals to the manufacturer's market share multiplied by the "covered electronic device **recycled** by all electronic device manufacturers during the previous program year" (emphasis added). Because weight recycled is significantly lower than weight sold, this creates lower recycling goals. The lower the recycling weight, the lower the following year's goals. Combined with a tiered structure that weakens penalties, this bill creates a system that incentivizes manufacturers to reduce recycling. Weight not recycled will tend to end up in the landfill. This introduces toxic materials and plastics into the environment, and prevents the recovery of assets such as precious metals and reusable components.

Most concerning to our office, the bill's **tiered penalties weaken incentives and fail to consider the higher costs of recycling for Neighbor Islands**. Act 151 has an intentionally high penalty of \$1.50 for every pound below a manufacturer's recycling goal, this is to help increase incentive and support for funding programs on islands without the population density of O'ahu. Neighbor islands face challenges such a lower population density, large geographic areas, or multiple islands. Hawai'i County has to ship to recyclers on the Mainland, whereas O'ahu has an incinerator. A penalty that is too low will incentivize manufacturers to pay the penalty rather than recycle on Neighbor Islands. This **undermines the intent of the convenience requirement**, which mandates monthly collections (at minimum) at zip code areas with a population greater than 25,000. This, for example, mandates collections in Hilo and Kona in

Hawai`i County.

Our landfills are at their maximums, and during a time of supply chain shortages in electronics, we are undermining recycling and environmental conservation goals by weakening a program that strengthens recycling and reuse of precious assets. Act 151 took effect only on January 1st, 2023, and already it has contributed to significantly increased electronic waste collection in Hawai`i County.

Thank you for the opportunity to testify in **opposition to SB 793**.

Mahalo,

A handwritten signature in black ink, appearing to read 'Jenn Kagiwada', with a long horizontal flourish extending to the right.

Jenn Kagiwada

I am in opposition to the passing of **SB 793** because ACT 151 has not been allowed to be fully implemented for at least 2 years to get the data necessary to accurately assess its performance.

The data collected should be current and not based on data from the pre-implementation of ACT 151 before electronic manufacturers were required to meet the State of Hawai'i requirements set forth in ACT 151. Allowing ACT 151 to be implemented for at least 2 years would "force" electronic manufacturers to at least make an effort to meet the recycling goals for 2023 and 2024 which would benefit the consumer and make an impact on the recycling of e-waste in the State of Hawai'i.

I think that it is premature to make amendments to ACT 151 at this time before it has been allowed to be implemented for at least several years to get a more accurate assessment of its impact on the electronic manufacturers and the State of Hawai'i.



**SB-793**

Submitted on: 2/27/2023 9:01:10 AM

Testimony for CPN on 2/28/2023 9:36:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
laurie boyle	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am writing in Opposition to SB793 for the simple and critical reason that our representatives voted to hold the producers of packaging be held accountable for violations, non-compliance and the associated fees for CONTINUING to serve up our goods in highly toxic futurebpost-consumer waste which we are UNABLE to recycle on our precious Aina of our sacred island.

There is no excuse for continuing to stuff our fish, whales and creatures of the sea and lsnd...we consumers and others...full of non-recyclable toxic materials which are killing our planet.Accountabiloty, Responsibility, Adaptability to our current climate and planetary challenges.

Mshalo for your time.