

STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on HB 2640
RELATING TO RECYCLING.**

REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Hearing Date: January 30, 2024

Room Number: 325

1 **Fiscal Implications:** Not Applicable.

2 **Department Testimony:** This measure proposes to amend Electronic Device Recycling and
3 Recovery Law to allow electronic device manufacturers to coordinate collection activities.

4 The Department of Health (Department) respectfully requests that the Legislature provide
5 the Department time to assess the impacts of the amendments made by the Legislature in 2022 to
6 the Electronic Device Recycling and Recovery law before making additional changes. The full
7 implementation of the 2022 amendments took effect on January 1, 2023, and manufacturer
8 reports on the amounts of electronic devices collected for recycling or reuse are due by
9 March 31, 2024. The Department would like additional time to evaluate the data and determine
10 if any further changes are needed to improve electronics recycling in Hawaii.

11 The Department shares the following comments on portions of this measure:

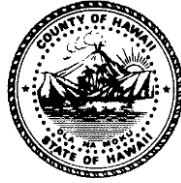
12 Page 5, line 1 through Page 6, line 2, The collaboration that the proposed “coordinating
13 body” would provide is allowed for in Hawaii Revised Statutes Ch. 339D-23(d). Currently, some
14 manufactures utilize third party organizations to collaborate plan development and
15 implementation, while others implement plans individually. If optimizing collection services is the
16 goal, all manufacturers would need to to work with a single “coordinating body.” This would
17 eliminate fragmentation between manufacturing plans and also allow the efficient use of
18 collective resources to address service area gaps.

19 **Offered Amendments:** None

20 Thank you for the opportunity to testify.

Mitchell D. Roth
Mayor

Deanna S. Sako
Managing Director



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

January 29, 2024

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Nicole Lowen, Chair
Rep. Elle Cochran, Vice Chair
Hawai'i State Capitol
Honolulu, HI 96813

Re: Comments on House Bill (HB) 2640 Relating to Recycling, which amends the recycling goals and authorizes coordinated manufacturer collection activities under the Electronic Device Recycling & Recover Act.

Dear Chair Lowen, Vice Chair Cochran and Committee Members,

The County of Hawai'i Department of Environmental Management submits comments on House Bill 2640, which as currently written, significantly changes the recycling goals and in effect reduces the incentives for manufacturers to meet the current required recycling goals of the Electronic Device Recycling and Recovery Act.

Manufacturers have opened a convenient semi-weekly collection site in Kailua-Kona, which from the County of Hawai'i's perspective is a significant 100% increase in year-round collection sites compared to FY2022; and they offered a single collection event in Waimea (Kamuela) for the convenience of North Hawai'i residents. This bill disincentivizes the manufacturers from providing this expanded 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 the current incentives in the law has expanded the convenience to our island's residents and businesses and the proposed changes is a step backward and could reduce the frequency of collections in the County of Hawai'i.

Thank you for your consideration.

Best Regards,

Ramzi I. Mansour
DIRECTOR



To: The Honorable Chair Nicole Lowen, Vice-chair Elle Cochran, and members of the House Committee on Energy and Environment

From: The Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

Re: Hearing **HB2640 RELATING TO RECYCLING**

Hearing: Tuesday, January 30, 2024, 9:00 a.m. CR325

Aloha Chair Lowen, Vice Chair Cochran, and members of the Committee:

Hawai'i Reef and Ocean Coalition SUPPORTS HB2640.

Electronic waste contains materials that are harmful to the environment unless properly recycled. This bill would make it more convenient for consumers to recycle.

Please pass this bill! Mahalo!

Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

HB-2640

Submitted on: 1/28/2024 10:37:42 PM

Testimony for EEP on 1/30/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacob Wiencek	Hawaii Young Republicans	Support	Written Testimony Only

Comments:

Aloha Representatives,

On behalf of Hawaii Young Republicans, we support this bill. Increasing amounts of electronic waste are being disposed of and we need new processes to deal with the increased volume. Please support this legislation!

January 29, 2024

Rep. Nicole E. Lowen
Chair, Committee on Energy and Environmental Protection
Hawaii State Legislature
415 S Beretania St
Honolulu, HI 96813

Re: Support HB 2640 Relating to Recycling

Dear Chair Lowen:

On behalf of the Consumer Technology Association (CTA), thank you for opportunity to provide comments in strong support of HB 2640. 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.

Since enactment of the new electronics recycling law in 2022 (HB 1640, now 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. Electronics manufacturers are now spending more than \$5 million annually to provide comprehensive collection and recycling services for scrap electronic devices.

However, we are very concerned about the escalating pound targets under the new law. Beginning in 2025 manufacturers will need to collect and recycle 70% of the weight of new products they put onto the market – up from 50% of pounds sold in 2023 and 60% of pounds sold in 2024. Simply put, there is not enough scrap electronics for every manufacturer to collect/recycle 70% of pounds sold into the market. This unreachable target will result in either manufacturers paying a \$1.50/pound shortfall fee (which is one of the highest in the country), or in collectors/recyclers falsifying their manufacturer billing and state reports.¹ Neither of these results will serve to increase e-waste recycling in the state.

Fortunately the provisions in HB 2640 offer a win-win resolution to this problem. Currently there are only 11 ongoing “no-charge” drop off locations across all of Hawaii according to the Department of Health [program website](#). HB 2640 provides an alternative for companies who cannot reach the 70% pounds sold goal to instead comply by arranging for at least 25 no-charge drop off sites around the state. Under this alternative, every zip code with at least

¹ CTA discovered that collectors/recyclers in New Jersey falsified their manufacturer billing and state reports in 2019, and reported to the incident to government authorities.

25,000 residents would have free drop-off site options paid for 100% by our manufacturers – which is more than twice the collection opportunities currently available under the program.

HB 2640 would address both the concerns of industry in reaching the recycling targets, and greatly expand the free collection of electronics in Hawaii.

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.

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



Aloha committee members,

My name is Arwen Revere and I'm a high school student from Kailua and a member of the environmental organization Wild Kids, whom I am representing today. Wild Kids is in strong support of House Bill 2640, which aims to amend the Electronic Device Recycling and Recovery Act in order to address challenges faced by manufacturers in complying with the current program. As a high school senior from Kailua, representing the environmental organization Wild Kids, I am committed to advocating for sustainable practices that contribute to the well-being of our beautiful state.

One of the significant amendments in this bill is the introduction of Section 2, which allows manufacturers, a group of manufacturers, or a coordinating body to collaborate in meeting the requirements of the law without being subject to damages, liability, or scrutiny under federal antitrust laws or Chapter 480. This provision encourages collective efforts to improve electronic waste recycling without hindrance, fostering a more cooperative and efficient approach to compliance.

Section 3 addresses the issue of manufacturers struggling to comply with the increased weight targets and penalties. By allowing manufacturers to collaborate on plans and coordinate their efforts, this amendment ensures that the industry can adapt to changes over time while maintaining effective electronic waste collection.

Furthermore, the adjustments proposed in Section 4 to Section 339D-23.1 provide a phased approach to recycling goals, aligning them with the evolving landscape of electronic device sales in the State. This approach recognizes the challenges manufacturers face and allows for a more realistic and achievable timeline for meeting recycling obligations.

Thank you for hearing our testimony.

Arwen Revere, on behalf of Wild Kids



January 29, 2024

Scott Cassel
Chief Executive Officer/Founder

Board of Directors

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OR Dept. of Environmental Quality

Tom Metzner – **Vice President**
CT Dept. of Energy and
Environmental Protection

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WI Dept. of Natural Resources

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Environment

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OK Dept. of Environmental Quality

Mia Roethlein
VT Dept. of Environmental
Conservation

Joe Rotella
RI Resource Recovery Corporation

Christina Seibert
Solid Waste Agency of Northern Cook
County, IL

Honorary Director

Walter Willis
Solid Waste Agency of Lake County, IL

Scott Klag
Retired, formerly Metro, OR

Representative Nicole Lowen, Chair
Representative Elle Cochran, Vice Chair
Committee on Energy & Environmental Protection
Hawaii State Legislature
415 South Beretania St.
Honolulu, HI 96813

RE: Opposition to HB 2640, Manufacturers; Electronic Devices; Recycling.

Dear Chair Lowen, Vice-Chair Cochran, and Members of the Committee:

Thank you for the opportunity to submit testimony in **opposition** to HB 2640. Hawaii's E-cycles program has not completed an annual program cycle since the law was amended in 2022. Therefore, PSI would not recommend changes without better knowing how the program is performing and gathering input from program stakeholders about their views on the proposed changes.

The Product Stewardship Institute (PSI) is a policy advocate and consulting nonprofit that pioneered product stewardship in the United States along with a coalition of hundreds of state and local government officials. Since 2000, PSI has worked with numerous others to develop extended producer responsibility (EPR) policies for most of the 135 EPR laws enacted for 16 industry sectors, including electronics.

HB 2640 allows obligated manufacturers to collaborate in the delivery of Hawaii's E-cycles program. Similar schemes have been allowed in other states: Oregon (2023), South Carolina (2021), and Illinois (2017). While PSI is not opposed to enabling coordinating bodies, each of the states that made these changes did so with robust input and discussion among all stakeholders – state government, local governments, collectors, recyclers, manufacturers, and environmental groups. Our understanding is that these discussions have not yet taken place in Hawaii. The current law also enables manufacturers to work together, so it is unclear why this amendment is needed at this time.

We respectfully ask the Committee to **not** report HB 2460 out of committee. If you have any questions, please feel free to contact me at (617) 236-4822, or Scott@ProductStewardship.US.

Sincerely,

A handwritten signature in black ink that reads 'Scott Cassel'.

Scott Cassel

Comments before
January 30, 2024 House Committee on Energy and
Environmental Protection Hearing

SUPPORTING WITH AMENDMENTS

House Bill 2640

Relating to Electronic Waste Recycling

Mike Ewall, Esq.
Founder & Director
Energy Justice Network
215-436-9511
mike@energyjustice.net
www.EnergyJustice.net

Aloha Honorable Committee members. Energy Justice Network is a national organization supporting grassroots groups working to transition their communities from pollution and harmful energy and waste management practices to clean energy and zero waste solutions. In Hawai'i, we've been working with residents who first sought our support in 2015. Since mid-2022, we have supported residents in forming the Hawai'i Clean Power Task Force and Kokua na Aina to address numerous energy and waste issues in the state.

We recommend two amendments to strengthen House Bill 2640:

1. to encourage reuse over recycling, and
2. to require certifications that ensure protections against the worst impacts of electronic waste recycling: incineration, prison labor, and dumping on developing nations.

Incentivizing reuse:

The famous “reduce, reuse, recycle” mantra is a simple version of the [Zero Waste Hierarchy](#) that I developed in 2004, which is now used as an international standard with the Zero Waste International Alliance. It's in priority order such that reusing goods is more important than recycling them, since it avoids additional environmental impacts associated with manufacturing new products and with the recycling process itself.

However, the nature of our corporate-controlled economy is hostile to reuse. For a century now, the U.S. economy has been based on a corporate imperative to extract, produce, consume and waste good as quickly as possible in order to facilitate new sales. Even corporate-controlled Extended Producer Responsibility (EPR) stewardship programs such as this bill provides are not immune. Similar EPR policies allow manufacturers to skip the “reuse” step on the Zero Waste Hierarchy and go straight to recycling, since reuse is anathema to their capitalistic need to sell new products.

When local governments or nonprofits run collection programs, they have more of an incentive to have computers reused in schools or nonprofits, or old cell phones given out to victims of domestic violence. When manufacturers take over collection systems, this is not favored, which is why zero waste experts advise that EPR programs make manufactured *fiscally* responsible, but not *physically* responsible for discarded materials.

Solution: provide a multiplier for reuse sufficient to incentivize it as a priority. Some state renewable portfolio standard policies give multiplied credits for certain technologies. A triple credit (if sufficient) could be granted for the weight of electronic wastes reused instead of recycled. And if weight is too crude a metric to ensure that smaller or lighter electronics get reused, careful crafting of the policy could correct for it by specifying that the reuse/recycling requirement applies within certain categories, such as cell phones vs. computers.

Certification to avoid incineration, prison labor and dumping on developing nations

The [e-Stewards certification standard](#) was developed to avoid the most harmful and controversial methods used to manage electronic wastes. Much has been written about the harms of incinerating the sort of plastics used in computer casings – polyvinyl chloride, or [PVC](#), being the most hazardous due to production of [dioxins](#). Unlike the weaker R2 standard, e-Stewards, largely protects against incineration, with some exceptions, which

is why the standard should be required along with a legislative requirement for no incineration of discarded electronics or plastic components or disk surfaces of disassembled electronics.

Prison labor is also commonly used in the federal prisons in the U.S. to recycle electronic wastes, via [Unicor](#) (a.k.a. Federal Prison Industries). The U.S. Department of Justice has [documented](#) toxic exposures to prisoners working in this industry. The e-Stewards standard forbids the use of prison labor.

Finally, there is a long history of dumping electronic waste on [Asian](#) and African countries, where people burn plastics off of wire to recycle them, facing horribly toxic exposures and creating environmental hazards. The e-Stewards standard protects against this as well.

Solution: Any electronic waste recycling program should require that only e-Stewards certified facilities may be used, and that no incineration shall be permitted.

Mahalo nui loa for your support for this important bill.

January 29, 2024

Rep. Nicole E. Lowen
Chair, Committee on Energy and Environmental Protection
Hawaii State Legislature
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Walter Alcorn

Vice President, Environmental Affairs and Industry Sustainability
Consumer Technology Association

HB-2640

Submitted on: 1/28/2024 7:01:50 PM

Testimony for EEP on 1/30/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Julia Estigoy-Kahoonei	Individual	Support	Written Testimony Only

Comments:

I support this bill as it makes the manufacturer of electronics responsible for recycling their products. The corporations need to be held accountable for their contribution to the excessive waste they create.