



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

**Testimony COMMENTING on SB1298 SD2 HD1
RELATING TO RECYCLING**

REPRESENTATIVE SCOTT Z. MATAYOSHI, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

1 April 2, 2025; 2:00 PM; Room Number: 329

2 **Fiscal Implications:** Undetermined

3 **Department Position:** The Department of Health (Department) offers the following comments.

4 **Department Testimony:** The Environmental Management Division, Solid and Hazardous Waste
5 Branch (EMD-SHWB) provides the following testimony on behalf of the Department.

6 This measure proposes to: (1) allow electronic device manufacturers to coordinate
7 activities directly related to the recycling of covered electronic devices; (2) expand the scope of
8 electronic devices to include electronic device peripherals and certain legacy devices; and (3)
9 allow for a delay and more gradual increase to the recycling goal of 70%.

10 The Department concurs with the amendments the Committee on Energy &
11 Environmental Protection have made to House Draft 1 of the measure. We bring to your
12 attention a proposed modification that would allow the Department enforcement discretion, as
13 we typically have in many other environmental regulations.

14 **Offered Amendments:** Additions appear as underlined and deletions appear as strikeouts.

15 1. Insert a new Section 2 to read:

16 "SECTION 2. Subsections 339D-8(f) and (g), Hawaii Revised Statutes, are
17 amended to read as follows:

1 (f) The department [~~shall~~] may determine additional penalties based on
2 adverse impact to the environment, unfair competitive advantage, and other
3 considerations that the department deems appropriate.

4 (g) If a manufacturer fails to meet its recycling goals pursuant to section
5 339D-23.1(c), the department [~~shall~~] may impose a penalty of \$1.50 per pound for each
6 pound not recycled.”

7 2. Rename existing Section 2 to Section 3.

8 3. Rename existing Section 3 to Section 4.

9 4. Rename existing Section 4 to Section 5.

10 5. Rename existing Section 5 to Section 6.

11 6. Rename existing Section 6 to Section 7.

12 7. Rename existing Section 7 to Section 8.

13 8. Rename existing Section 8 to Section 9.

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

C. Kimo Alameda, Ph.D.
Mayor

William V. Brillhante, Jr.
Managing Director



Wesley R. Segawa
Director

Craig Kawaguchi
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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March 31, 2025

COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

Rep. Scot Z. Matayoshi, Chair

Rep. Cory M. Chun, Vice Chair

Re: Testimony in Support of Senate Bill (SB) 1298 SD2 HD1 Relating to Recycling, which modifies the Electronic Device Recycling & Recovery Act to modify originally established recycling goals.

Dear Chair Matayoshi, Vice Chair Chun and Committee Members,

The County of Hawai'i Department of Environmental Management submits testimony in **support of Senate Bill 1298 SD2 HD1**, which modifies the Electronic Device Recycling & Recovery Act to allow a more gradual increase in recycling goals established in the law in exchange for a wider variety of electronic devices acceptable for recycling under the program.

The residents and businesses of the County of Hawai'i have benefitted from the current incentive structure of the original law's recycling goals. The manufacturers' registered collection company in the County of Hawai'i has expanded service to a new permanent site in Kailua-Kona and has recently increased the days/hours of operation in Kailua-Kona to five days per week which provides added convenience for customers. Hilo currently has convenient daily service.

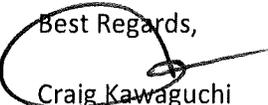
The new changes to the law proposed in SB 1298 SD2 HD1 still keep the financial incentives for the manufacturers to recover their products at the end of their useful life, increase the scope of devices counted towards those goals while moderately adjusting the goals to accommodate the decrease in average weight of the covered devices sold over time. We believe that the new changes in the latest draft are a trade-off the County of Hawai'i can support.

The County of Hawai'i doesn't believe that requiring the collectors to determine the average age of collected electronic devices is feasible or would yield any insightful information.

The County is awaiting the State Department of Health's report on 2024 Manufacturer Recycling Goals versus Pounds Collected.

Thank you for your consideration.

Best Regards,


Craig Kawaguchi
DEPUTY DIRECTOR

cc: Mayor Kimo Alameda
Gene Quiamas, Acting Hawai'i County Solid Waste Division Chief
Tanya Buckley, Acting Hawai'i County Recycling Coordinator



To: The Honorable Representative Scot Matayoshi, Chair, the Honorable Representative Cory Chun, Vice Chair, and Members of the Committee on Consumer Protection and Commerce
From: Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i (by Ted Bohlen)

Re: **Hearing on SB1298 SD2 HD1 RELATING TO RECYCLING**

Hearing April 2, 2025 2:00 pm CR 329

Aloha Chair Matayoshi, Vice Chair Chun, and Members of the Committee on Consumer Protection and Commerce!

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean. HIROC is concerned about the impact electronic waste can have on Hawaii's public health and environment!
The Climate Protectors Hawai'i seeks to educate and engage the local community in climate change action. The Climate Protectors Hawai'i is very concerned that electronic waste be recycled safely.

**Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i SUPPORT
SB1298 SD2 HD1!**

Electronic waste can contain hazardous materials and so must be carefully recycled. The legislature addressed the recycling of electronic waste in Act 151 of 2022 and set recycling goals for manufacturers of electronic equipment. The **original SB1298** would have negated the prior law by replacing the strict recycling goals in law based on the weight of recycled materials sold. **This HD1 eliminates the major concerns with the original bill.**

Please pass this HD1 version of the bill!

Mahalo!

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

**Testimony to the House Committee on Consumer Protection & Commerce
Representative Scot Z. Matayoshi, Chair
Representative Cory M. Chun, Vice Chair**

**Wednesday, February 14, 2024, at 9:15AM
Conference Room 325 & Videoconference**

RE: SB1298 SD2 HD1 Relating to Recycling

Aloha e Chair Matayoshi, Vice Chair Chun, and Members of the Committee:

My name is Sherry Menor, President and CEO of the Chamber of Commerce Hawaii ("The Chamber"). The Chamber supports Senate Bill 1298 Senate Draft 2 House Draft 1 (SB1298 SD2 HD1), which expands the scope of electronic devices to include electronic device peripherals and certain legacy devices. Excludes persons who manufacture only electronic device peripherals and no other electronic devices from the definition of manufacturer. Requires manufacturers' recycling plans to describe communication efforts with the State and counties to facilitate consumer education efforts. Repeals the requirement that recycling plans be implemented and fully operational by 1/1/2023 in order for manufacturer collaboration authority to apply. Extends manufacturer recycling goals to 2027. Requires additional information to be included in manufacturers' reports containing information for calendar years 2025, 2026, and 2027. Requires collectors to report certain information regarding recyclers and refurbishers and allows the Department of Health to require submission of bills of lading and recycler receiving reports. Requires a report to the Legislature.

SB1298 SD2 HD1 aligns with our 2030 Blueprint for Hawaii: An Economic Action Plan, specifically under the policy pillar for Business Services. This bill promotes policies that drive economic growth, enhance workforce opportunities, and improve the quality of life for Hawaii's residents.

Hawaii faces mounting environmental challenges from electronic waste, underscoring the need for updated and rigorous recycling standards. This legislation amends key sections of the Hawaii Revised Statutes to redefine "electronic device" and "manufacturer" and to set strict recycling obligations for manufacturers. Under the new rules, manufacturers must submit annual recycling plans that include accessible collection services in populated areas and meet escalating recycling targets—ranging from 50% by weight in 2023 to 70% by 2027—based on devices sold two years prior. Detailed reporting requirements from collectors and a mandated review by the Department of Health further ensure transparency and continuous improvement.

By streamlining electronic waste management and enforcing higher recycling benchmarks, these amendments promote responsible environmental practices and help mitigate the impact of electronic waste on public health and natural resources. The Chamber supports this legislation because it enhances recycling practices, promotes sustainable business operations, and reinforces Hawaii's commitment to environmental stewardship and economic growth.

The Chamber of Commerce Hawaii is the state's leading business advocacy organization, dedicated to improving Hawaii's economy and securing Hawaii's future for growth and opportunity. Our mission is to foster a vibrant economic climate. As such, we support initiatives



Chamber of Commerce HAWAII



and policies that align with the 2030 Blueprint for Hawaii that create opportunities to strengthen overall competitiveness, improve the quantity and skills of available workforce, diversify the economy, and build greater local wealth.

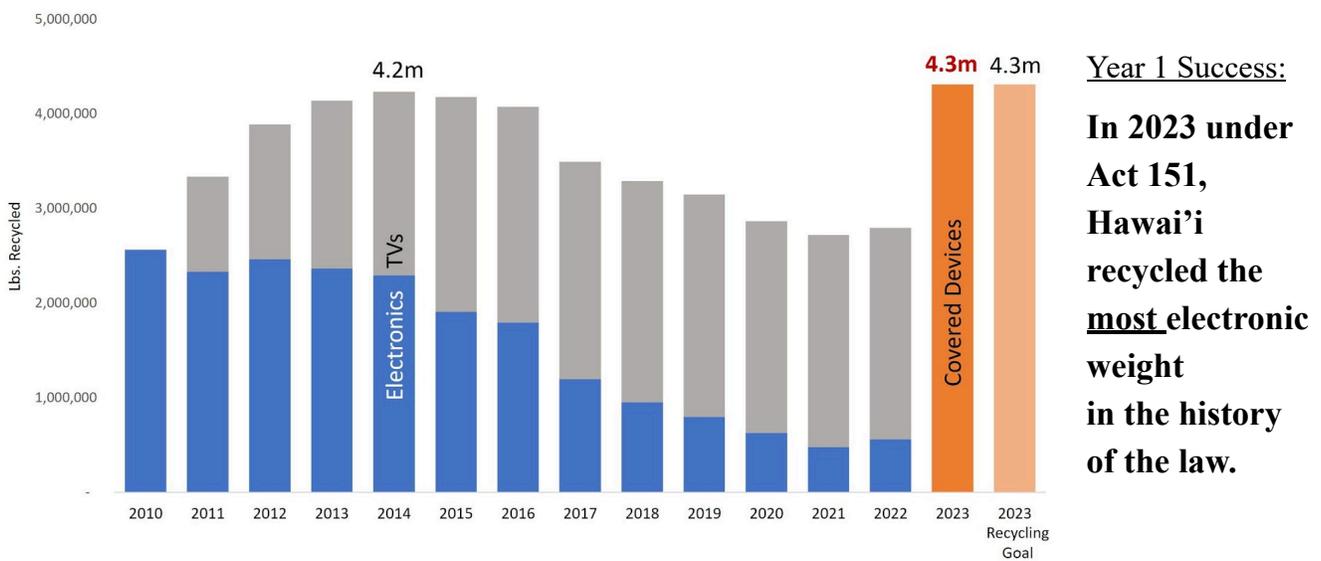
We respectfully ask to pass Senate Bill 1298 Senate Draft 2 House Draft 1. Thank you for the opportunity to testify.



Mr. K's Recycle and Redemption Center

815 Kinoole St., Hilo, HI 96720 · www.mrksrecyclehawaii.com
Tel: (808) 969-1222 · office@mrksrecyclehawaii.com · Fax: (808) 769-4023

As the owner and president of Mr. K's Recycle and Redemption Center on the Big Island, I would like to **STRONGLY OPPOSE SB1298, SD2**, which allows manufacturers to coordinate activities directly related to the recycling of covered electronic devices; expands the scope of covered electronic devices to include electronic device peripherals and certain legacy devices; and requires manufacturers to provide free collection service locations and collection events.



1) Act 151's Electronic Device Recycling Goals have proven effective in driving landfill diversion and responsible recycling.

- a) **Recycling goals resulted in the most electronic device recycling** since the law was implemented in 2010. 2023, the first year of the amended Act 151, resulted in an increase of 1.5 million lbs. (54%) over the prior year's collection. Recycling goals also contributed to 2022's slight increase as manufacturers like Dell began building collection capacity in preparation.
- b) **Recycling goals drove collection:** of the 53 manufacturers registered in 2023, 74% hit their goals with 0% variance, and 17% exceeded their goals. The 5 (9%) that missed their goals comprised less than 1% of total weight, and have paid less than \$16,000 in total penalties (based on DOH's report).

Overall, manufacturers achieved **99.99% of the total 2023 recycling goal of**

4,310,137 lbs.

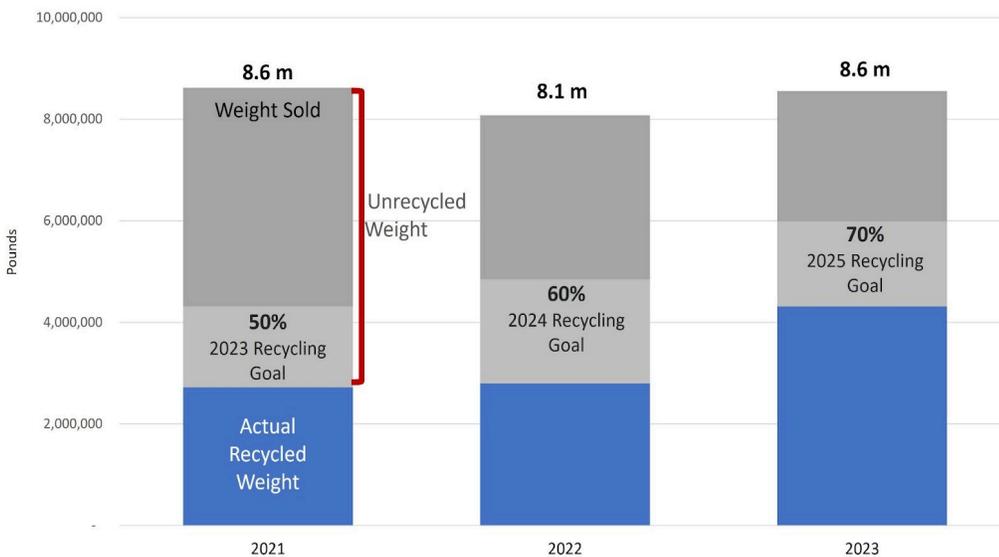
- c) **Recycling goals expanded collection:** Prior to the 2022 amendment, Mr. K's was able to offer only a monthly collection in West Hawai'i at the County's Kealahou transfer station. Today, under the current program, we have expanded to 5 days a week at our own facility in Kailua-Kona, where we also collect other items such as solar panels and UPS batteries to increase convenience for West Hawai'i residents. Outside of the 2 required zipcodes of Hilo and Kona, in the past year, Mr. K's provided pick up and collection services in Waimea, Papaikou, Kamuela, Mountain View, and Waikoloa.

Compared to this reality, SB1298, SD2 actually proposes a **reduction** of collection opportunities for our County.

- d) **SB1298 proposes to exempt manufacturers from these incentivized recycling goals.**

- i) Enhanced manufacturer collaboration proposed in SB1298 means that manufacturers of any size can, as a member of a collaboration, meet the requirement of providing on-site collection locations and collection events at no cost in required areas (Section 5(g)).
- ii) SB1298 SD2's proposed Section 5(f) enables manufacturers who have provided collection opportunities to have "satisfied [their] recycling obligations under subsection c," which are the recycling goals by weight, even without any weight actually being collected.
- iii) For this reason, Mr. K's will only support a recycling program with mandatory recycling goals and incentives for all manufacturers.

2) The problem is not a lack of recyclable weight.



DOH 2021-2023
Data: Weight sold in Hawai'i is stable, while increasing recycling goals based on weight sold 2 years prior aim to catch up with accumulated unrecycled weight.

- a) SB1298 contends recycling goals by weight should be discontinued because individual electronic devices are getting lighter. However, **total electronic device weight sold in**

Hawai'i has been relatively stable over the 3 years of data available from the Dept. of Health (DOH): 8.6 million lbs. in 2021, 8.1 million lbs. in 2022, and 8.6 million lbs. in 2023.

- b) Further, unrecycled weight from prior years accumulates, year on year.
- c) Data for Year 2 (calendar year 2024) will be released by the Dept. of Health in a few months. This data will confirm any hardships experienced by manufacturers in meeting targets, as well as whether total weight sold in Hawai'i is significantly falling.

3) The measure exempts manufacturer coordination from federal antitrust laws and recycling plan activities from state oversight.

- a) Section 2 of SB1298 SD2 proposes that manufacturer collaborations “shall not be subject to damages, liability, or scrutiny under federal antitrust law or chapter 480, regardless of the effects of their actions upon competition.” The measure further proposes that the supervisory activities of manufacturers and manufacturer coordinating bodies over themselves are “sufficient” to confirm that their recycling plan activities are “authorized and actively supervised by the State.”
- b) Mr. K's opposes SB1298 SD2's language that provides exemption from the law, and affirm the value of and need for State supervision of the State's Electronic Device Recycling Program.

Mr. K's has productively worked with manufacturer collaborations for years, and 2023 data has shown the remarkable effectiveness of the amended Electronic Device Recycling Program. Rather than make such significant changes to the program proposed by SB1298 SD2, we **urge the Committee to maintain the program unchanged at least until 2024 performance data is released by the Department of Health** to confirm manufacturer difficulties in achieving targets and any decrease in the total weight sold in 2024.

Thank you for the opportunity to submit testimony **strongly opposing SB1298 SD2**, and for your leadership in helping Hawai'i divert landfill, retain valuable resources, and mālama ka 'āina.

Roy Kadota
Owner and President



1919 S. Eads St.
Arlington, VA 22202
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CTA.tech

April 1, 2025

Representative Scot Matayoshi, Chair
Representative Cory Chun, Vice Chair
Members of the House Committee on Consumer Protection and Commerce
Conference Room 329
State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: Support of SB 1298 SD2 HD1; Relating to Recycling

Dear Chairperson Matayoshi, Vice Chair Chun and Committee Members:

The Consumer Technology Association (CTA) writes in **SUPPORT of SB 1298 SD2 HD1 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. CTA also represents retailers of these and other consumer technology products.

The bill represents a compromise between the Department of Health (DOH) and CTA to address the concerns of multiple stakeholders while also addressing the challenge of the unachievable and arbitrary weight targets under the current electronic waste recycling law (“Chapter 339D”). Under Chapter 339D, electronic manufacturers will be penalized for failing to collect electronic waste to meet an unattainable 70% of product weight sold in Hawaii. These penalties will likely be passed down as added costs to consumers in the long run. SB 1298 HD1 provides a longer ramp-up for manufacturers to work up toward the 70% of product weight goal and also requires DOH to submit a report to the Legislature in advance of the 2028 legislative session that examines whether recycling obligations should be amended to consider other metrics.

CTA notes that our preference is to provide stronger relief from the penalties in the current electronic waste recycling law (“Chapter 339D”). However, CTA does support the overall direction of SB 1298 SD1 HD1, but remains concerned with several provisions. We would ask for two amendments to this bill to: 1) include a slower ramp-up for the target to get to 70% of the weight sold and

2) eliminate data collection on the average age of electronic devices collected by each collector for one month of the year.

A. Unachievable Targets Under Existing E-Waste Recycling Law

Our member companies have stepped up collections of electronic waste (“e-waste”) in Hawaii through a combination of new permanent drop-off sites and new collection events since the enactment of Chapter 339D in 2020. Our members now spend more than \$5 million annually to provide comprehensive collection and recycling services for scrap electronic devices.

However, CTA is very concerned about the escalating weight targets under Chapter 339D. Starting this year, manufacturers are required to collect and recycle 70% of the weight of new products they sell in Hawaii. This arbitrary increase follows targets of 50% of pounds sold in 2023 and 60% of pounds sold in 2024. Simply put, there are not enough scrap electronics for every manufacturer to collect/recycle 70% of pounds sold in the State due to, amongst other factors, the lightening of newer electronic devices.

The 70% weight target is arbitrary and unachievable and will likely result in either (1) imposition of a \$1.50/pound shortfall fee on manufacturers (one of the highest in the country), potentially driving up the cost of products for consumers, or (2) collectors/recyclers falsifying their manufacturer billing and state reports¹. Additionally, we are concerned that raising the weight targets will create an unintended consequence whereby consumers will be incentivized to dispose of their electronic products prematurely, well in advance of the product’s lifespan, so that targets are met.

B. SB 1298 SD2 HD1 Represents a Compromise Solution

As noted previously, the provisions in SB1298 SD2 HD1 are a compromise between DOH and CTA, who worked collaboratively to advance a version of SB1298 that addresses the concerns of a variety of stakeholders. SB 1298 SD2 HD1 would expand the scope of the definition of electronics, allowing for electronic device peripherals such as keyboards, mice, cords, power supplies and adapters, speakers, sound bars, and video game consoles to be recycled under the law. This is a positive development for Hawaii residents.

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

1. Amend Weight Targets

CTA is concerned that the ramp-up to the 70% weight target will be unachievable, and manufacturers will incur penalties as a result of not being able to comply with the target. We would ask for a slower ramp-up to the 70% of product weight sold target, which should come into effect after DOH submits a report on the program targets prior to the 2028 Legislative Session. This would enable the parties to work with the Legislature to revise the program based on DOH's recommendations regarding the 70% target achievability. **CTA respectfully requests to revert to this slower ramp-up to align with the timing of the DOH report (page 9, lines 5-16)– to ram- up the targets as follows:**

- **63% of product weight sold target in 2025**
- **65% of product weight sold target in 2026**
- **67% of product weight sold target in 2027**
- **70% of product weight sold target in 2028**

2. Delete Data Collection on Age of Electronic Devices

Additionally, CTA opposes the requirement for manufacturers to report “the average age of electronic devices collected by each collector for one month of the year” and requests for this to be deleted. This requirement will add incredible costs to the collection and recycling efforts and is not being done in any other state. Not all electronics are marked with a date and personnel at recycling facilities are not trained to determine the age of a product. The additional time spent attempting to determine the age of every single product would add significant costs due to additional handling, which would ultimately slow down the recycling process that is designed to move material through the system at a rapid pace.

The current 2025 goal is 5,986,618 lbs. distributed among all participating manufacturers, which would assume roughly 500,000 lbs. of material is collected and recycled by manufacturers each month. Assuming an average product weight of 20 lbs.², which means 25,000 individual electronic devices would need to be separately handled with an attempt to determine age. The inefficiency this adds to the system would lead to increased costs for manufacturers without any benefit from the data. Capturing the average age of products returned is also meaningless – it would have no impact on the DOH report on whether volumes are sufficient to meet weight targets.

² Example average estimate assuming the average televisions weighs 10-100 lbs. on average; laptops weigh 2-5 lbs.; consumer printers weigh 15-30 lbs.; and computer monitors weigh 5-20 lbs.

CTA Comments on Senate Bill 1298

April 1, 2025

Targets are weight-based and weight is the key metric, not the age of the electronics being recycled; therefore, CTA respectfully requests the removal of age data collection from SB 1298 SD2 HD1.

CTA appreciates the collaboration with the DOH in moving forward with a provision that provides some relief to manufacturers while addressing the concerns of DOH and other stakeholders.

Thank you again for the opportunity to testify and provide our testimony. If you have any questions, please do not hesitate to contact me at kreilly@cta.tech.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katie Reilly', with a long horizontal stroke extending to the right.

Katie Reilly

Vice President, Environmental Affairs and Industry Sustainability

kreilly@cta.tech

(571) 684-1895

LATE

SB-1298-HD-1

Submitted on: 4/1/2025 10:50:20 PM

Testimony for CPC on 4/2/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michele Mitsumori	IT Reuse Hawai'i	Support	Written Testimony Only

Comments:

Aloha Chair Matayoshi, Vice Chair Chun, and members of the committee,

I'm writing in support of SB1298 SD2 HD1, which proposes several improvements to the existing Electronic Device Recycling and Recovery Law.

1) The bill provides **relief to manufacturers by slowing down the incremental increase of recycling goals**, so that the recycling goal of 70% of weight sold two years prior is reached in 2027 rather than this year, 2025.

2) The bill expands the definition of covered electronic devices to **include more and older devices and peripherals**. This reflects the reality of how much is still in people's homes and in the back storage rooms of organizations and businesses; provides more eligible weight to help manufacturers meet their recycling goals; and increases diversion from our landfill to responsible recycling and reuse.

3) The bill does **not weaken financial incentives**. Targets and incentives have proved effective in the first year of the new legislation to contribute to a dramatic increase in weight recycled, with minimal penalties incurred by manufacturers. There has been no data so far to support the claim that there is not enough weight to meet recycling goals. Giving the law more time for performance data to be collected will help better decisions to be made regarding future adjustments.

4) The bill **encourages consumer education efforts** at the county level. This is crucial because there are still many who do not know that electronic device recycling is free or the where/when, and because lithium-ion batteries are dangerous fire hazards.

5) The bill facilitates **more detailed data collection**, such as the types and amounts by weight of electronic devices collected, and the names of recyclers and amount in weight purchased.

a) However, some data seems not to be cost effective, such as the **average age of electronic devices** collected. Is this a data point to be collected based on individual devices? Device age has not been shown to meaningfully support recycling efforts, and instead will only **add to the cost** of recycling.

b) DOH should also **collect data on manufacturer weight SOLD by device type**.

What is also needed is **more and better sharing of information by the Department of Health**. Currently, the only information posted on the DOH website is PDFs of manufacturer recycling goals and pounds collected, by manufacturer and by county.

- If DOH is collecting recycling by device type (such as TV or peripheral), this data should be **made available to the public**, both on weight sold as well as weight recycled.
- Data should be **posted as excel sheets**, not simply PDFs.
- **Historical data** should also be posted. DOH currently only posts data from 2023, despite the data since the start of the recycling program being available.

Thank you for the opportunity to testify in support of SB1298 SD2 HD1.

Sincerely,
Michele Mitsumori
IT Reuse Hawai'i
Hilo

SB-1298-HD-1

Submitted on: 3/31/2025 1:00:05 PM

Testimony for CPC on 4/2/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
chris c.	Individual	Support	Written Testimony Only

Comments:

Support.

Moderately lowering recycling goals while maintaining financial incentives and allowing a wider scope of electronic devices to be counted for recovery is a fair trade-off. The financial incentives and recovery goals are what motivate the manufacturers to provide convenient collections and recover their products at the end of their useful life.

SB-1298-HD-1

Submitted on: 4/1/2025 1:52:21 PM

Testimony for CPC on 4/2/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Claire C	Individual	Oppose	Written Testimony Only

Comments:

The shortcomings of the current e-waste law are addressed in this new version of the law by including more electronics as covered devices. To further accommodate manufacturers in achieving the quotas, I agree with the quota percentages being adjusted to have less of an increase each year.

I'm strongly opposed to the idea that there are no penalties in place for manufacturers not meeting their quotas because there are no ramifications if they are short on weight recycled from the state. As a result, there is no guarantee that there will be a consistent recycling program within our state, and no guarantee that communities will have a place to turn in their old electronics. If this one factor is included, then this new law would be strong enough to no longer need for future changes.

Thank you for the opportunity to testify in opposition of SB1298.