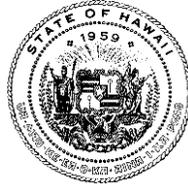


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

**HOUSE COMMITTEES ON ENERGY & ENVIRONMENTAL PROTECTION
AND HEALTH**

S.B. 1135, S.D. 2, RELATING TO RECYCLING

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health**

**March 12, 2013
8:30 a.m.**

1 **Department's Position:** The Department of Health strongly supports this measure.

2 **Fiscal Implications:** Undetermined.

3 **Purpose and Justification:** This bill has two purposes: first to improve the existing electronic and
4 television recycling program which has not reached its full potential and, second, to expand the program
5 to include electronic products, such as computer and TV peripherals, that are currently disposed of in
6 our landfills.

7 Hawaii has struggled to manage our waste while protecting the environment for decades. Our
8 geographic and economic isolation have driven our strategy to conserve our natural resources, reduce
9 waste, and divert as much waste as possible from our landfills.

10 Both private and public recycling programs that address paper, metal, glass and plastic materials
11 have grown over the years. Today, the rapid pace of innovation within the consumer electronics
12 industry has made electronic waste a growing component of our waste stream. We must now take the
13 next step to meet the 50% waste recycling goal set by the legislature and develop effective recycling
14 programs for e-waste.

Promoting Lifelong Health & Wellness

1 This bill proposes changes that will strengthen the existing program in two ways. First,
2 establishing convenience requirements for manufacturer’s recycling programs will make it easier for
3 Hawaii consumers to recycle their electronics or televisions. The existing law has allowed many
4 manufacturers to sponsor inconvenient programs such as those requiring the public to mail back items to
5 be recycled.

6 Second, this bill will institute mandatory recycling goals for manufacturers and increase the
7 amount of material collected and recycled. Our experience has shown that the current program’s
8 voluntary goals are simply ignored. These changes alone would increase recycling and reduce the
9 amount of e-waste being dumped in landfills.

10 This bill has been shaped by the input of the Hawaii Electric Device Recycling Task Force.
11 When instructed by the 2012 legislature to examine the e-waste issue in greater depth, the department
12 organized a task force that represents a broad range of stakeholders. Four meetings were held where
13 substantive and productive discussions took place.

14 Reaching consensus amongst such a diverse group is difficult but the department encouraged all
15 points of view and incorporated many of the members’ suggestions into this bill. We remain open to
16 ideas that will help to shape an effective e-waste recycling program for Hawaii and look forward to
17 more discussion during this session.

18 Our goal is to create social and physical environments that promote and support good health for
19 all.

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

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://envhonolulu.org>

KIRK CALDWELL
MAYOR



LORI M.K. KAHIKINA, P.E.
DIRECTOR

EDUARDO P. MANGLALLAN
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
WAS 13-57

March 11, 2013

The Honorable Chris Lee, Chair
and Members of the Committee on
Energy & Environmental Protection
House of Representatives
State Capitol
Honolulu, Hawaii 96813

The Honorable Della Au Belatti, Chair
and Members of the Committee on Health
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Lee, Chair Belatti, and Members:

Subject: Senate Bill 1135, SD 2, Relating to Recycling

The City and County of Honolulu's Department of Environmental Services (ENV) supports Senate Bill (SB) 1135, SD2, which amends the current statute to further define the minimum requirements for the manufacturer-financed electronic waste recycling program.

ENV participated in the task force which contributed to the provisions outlined in SB 1135, SD2, and believes that these new measures would go a long way to strengthening the program by defining clear recovery goals and requiring the manufacturers to provide greater convenience to the consumer. Under the existing law, manufacturers can submit a simple mail-back program, which is woefully inadequate to address any significant diversion of electronic waste from county landfills. Manufacturers should be required to provide on-island collection sites and to be accountable for capturing a specified portion, or market share, of the electronics sold within the state.

We believe that the responsibilities for collecting and recycling electronic waste are best managed by the industry, and support the evolution of this law to strengthen those requirements.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lori M.K. Kahikina".

Lori M.K. Kahikina, P.E.
Director



Email: communications@uluponoinitiative.com

HOUSE COMMITTEES ON ENERGY AND ENVIRONMENTAL PROTECTION AND HEALTH
Tuesday, March 12, 2013 — 8:30 a.m. — Room 325

Ulupono Initiative Supports SB 1135 SD2, Relating to Recycling

Dear Chairs Lee and Belatti, Vice Chairs Thielen and Morikawa, and Members of the Committees:

My name is Brandon Lee, Associate at the Ulupono Initiative, a Hawai'i-based impact investment firm that strives to improve the quality of life for the people of Hawai'i by working toward solutions that create more locally grown food, increase renewable energy, and reduce/recycle waste. I was also a member of the Electronic Waste Task Force that provided input on the original language for this bill.

SB 1135 SD2 is the culmination of input from a wide variety of stakeholders to update a statewide policy to handle the ever-growing stream of electronic waste in Hawai'i. In 2011, an estimated 7,000 tons of electronic waste were generated on O'ahu. This quantity is expected to grow as more electronic products are consumed by the public, and as the pace of technological change and obsolescence continues at an extremely high rate. One trend that will drive quantities in the near-term is the transition from cathode ray tube (CRT) monitors to LCD flat panel monitors, resulting in large quantities of CRT material in the short-term and eventual increases in LCD material. In addition, LCD monitors are expected to have a shorter lifespan than CRT monitors, leading to a higher long-term waste generation rate.

Ultimately, as electronic waste grows as a share of our total waste stream, governmental and/or private entities will have to collect and dispose of this material, while likely passing those costs onto the residents of Hawai'i. Therefore, setting up an efficient recycling collection system will help the people of Hawai'i both economically and environmentally over the long term.

Much of the discussion related to this bill centers on the definition of what is considered an electronic device, the weight requirement, and the convenience requirement. However, some parts of the current electronic waste and television recycling program have not worked as intended. Some of this bill's least-discussed provisions attempt to fix these issues. Whether this committee decides to strengthen or weaken the bill, we ask the committee pass out these provisions to fix the current system:

- First, Ulupono Initiative invests in projects that include recycling. However, for Ulupono or any investor to put money into a project, we need to have accurate numbers to drive our funding decisions. Currently, it is challenging to obtain accurate electronic waste numbers, particularly on the neighbor islands. A large part of the problem is that much of the data is self-reported or not reported at all. This skews the accuracy of the data and is not helpful to both policymakers and government administrators. Furthermore, this is not fair to the businesses within the industry that do accurately report their data. This bill gives the Department of Health the authority to provide tangible financial penalties for failure

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to report and the ability to verify data via audits. Having accurate data allows the public and private sector to be proactive in finding feasible solutions to a growing electronic waste problem.

- Secondly, in the current system, many businesses were allowed to create a mail-back only option to recycle their electronic products. Mail-back only programs involve shipping electronic goods back to the original manufacturer located outside of Hawai'i. The effect of this was that many residents ended up not recycling. In particular, this mail-back only policy was detrimental on the neighbor islands where some companies implemented a mail-back only policy and nothing else. The program is prohibitively expensive and time consuming for both the resident and business. The challenging experience of the neighbor islanders with mail-back only programs was one of the reasons why having a convenience requirement was important to the county governments. This bill includes a much-needed provision to remove the mail-back only option.

I have also attached a document that includes the top lessons learned from other states that have implemented various forms of electronic waste laws.

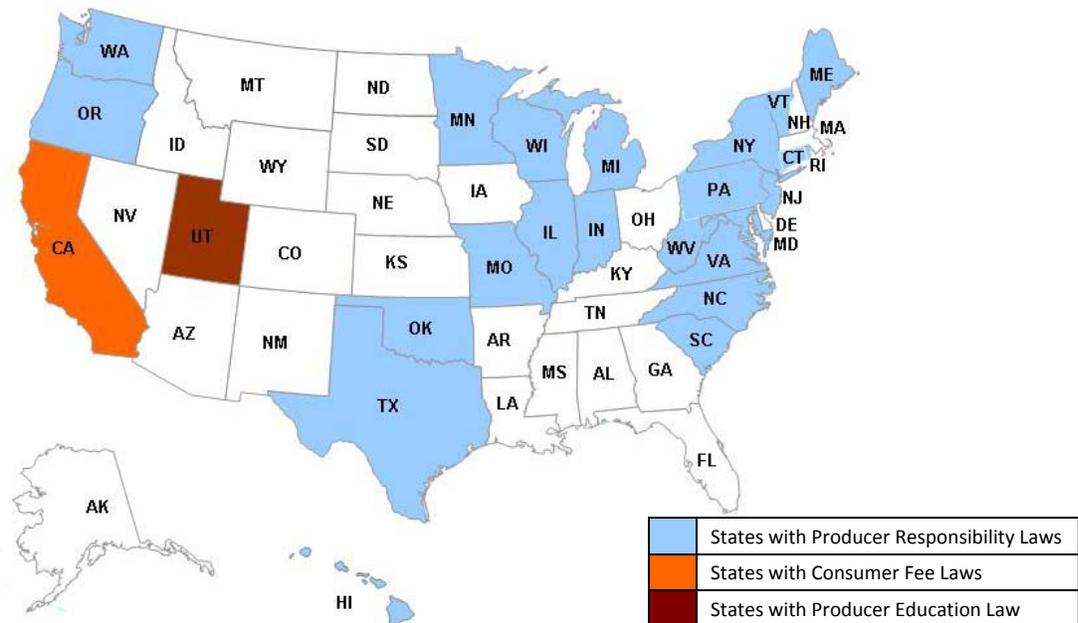
We believe that by working together, we can help reduce electronic waste and improve the quality of life for Hawai'i's residents. Thank you for the opportunity to testify.

Respectfully,

Brandon Lee
Associate

Ten Lessons Learned From State E-Waste Laws

What have we learned from the 25 states that have passed e-waste laws?



Twenty five states have passed laws that mandate recycling programs for electronic waste. Twenty three of the 25 laws use some form of the “producer responsibility” approach (whereby manufacturers have financial responsibility for recycling their old products), although they do this in a few different ways, and with different details.

What have we learned from these state laws? What approach works best?

While some of these state programs are still getting underway, we now have enough data from different states to draw some conclusions about what’s working best, and what elements should be included in state bills. Of course, we will learn more as the existing programs mature, and as other states launch new programs. But we can already glean some important lessons.

What results in high collection volumes?

Let’s start with the most basic question – are any of the state programs actually getting people to bring back their products for recycling? We have long heard the manufacturers complain, “We can’t go into their houses and make consumers give us their old products.” But some states are seeing very high volumes even in the first year of their programs. Why?

The states with the highest volumes of e-waste (on a per capita basis) are Minnesota, Washington, and Oregon. States with very low per capita collection volumes are TX, VA, OK and WV.

	State	Year	Total Lbs Collected	Pounds Per Person in State
Highest volumes	Oregon	2010	24,149,774	6.31
	Washington	2010	39,467,798	5.92
	Minnesota	2009-2010	33,082,679	6.37
Lowest volumes	Texas	2010	24,370,894	0.97
	Virginia	2010	4,439,446	0.56
	West Virginia	2009	1,646,155	0.51
	Oklahoma	2009	817,277	0.22

See a full list of all state programs and volumes collected starting on page 8.

The logical question is: What’s working in MN, WA, and OR, that’s not happening in the other states? Why are MN, WA, and OR collecting six times the volume of the others? Even if you “adjust” the data in these states to compare results on the same product categories (removing the data on TV’s collected in MN, WA, and OR since the TX, VA, and OK programs don’t collect TVs), the leading states numbers are still much higher.

We have learned several lessons from these state programs about collection volumes. The first six lessons below relate to collection volumes, and the remaining address other issues in the programs.

Lesson 1:

States see high collection volumes when laws either make the collection very convenient, or they establish collection goals

All of the states with good results have laws that either make the e-waste collection infrastructure very convenient, or they actually establish specific goals that manufacturers must meet.

Convenient Collection: In Washington and Oregon, the laws establish convenience requirements: there must be a collection site in every county and in every city over 10,000 people. In Washington, 92% of residents now have a convenient collection site within 10 miles of their home. (Source: Northwest Product Stewardship Council.)

Collection Goals: In Minnesota, the manufacturers have specific collection goals each year, which are tied to how much they sold in the state in the previous year. In Year 1, the goal was 60% by weight, rising to 80% by weight in Year 2. (Other states have adopted this model, but we don’t have data yet.) If the manufacturers collect less than their goals, they must pay a fairly high price per pound for each pound they fell short (a higher price than they’d pay by actually doing it).

Policy conclusion:

Bills should include some kind of driver for high collection – either convenience requirements or collection goals or a combination of both.

Lesson 2:

Some states with higher collection numbers have a variety of collector types because their laws cover collection costs.

States (like WA and OR) with some of the highest collection numbers also generally have a variety of types of collectors – municipal governments, private companies (includes recyclers, retailers), and non-profits. (They have a fairly small number of government collection sites.) Both of these state laws require the manufacturers to cover the costs of collecting e-waste as well as the cost of recycling it. The Washington law states that manufacturer plans must, “Fairly compensate collectors for providing collection services.” While some local governments in other states will do e-waste collection without being compensated (they use taxpayer funds to cover those costs), other collector types are unlikely to participate if the law doesn’t cover their collection costs.

Policy conclusion:

Bills should encourage diversity of collector types: government, private (recyclers, retailers), non-profits by covering the costs of collection

Lesson 3:

Most manufacturers will only do what the law requires them to do and not more

We have been disappointed to learn this lesson. But it’s becoming clear that if states don’t spell out clear convenience requirements or establish collection goals, most of the manufacturers won’t make any significant effort to collect used electronics. Texas, Oklahoma, Virginia, and Missouri passed laws that require the computer companies to operate takeback programs, but the laws don’t specify any particular level of performance. Companies are free to do whatever they want (including not doing much at all). We now have two years of data from Texas, analyzed by the Texas Campaign for the Environment (which they had to obtain by FOIA requests – another lesson here – put public reporting in the law). In Year 1 (2009), Dell was the only company that took the law seriously, collecting about 15 of the 18 million lbs collected statewide. In Year 2, the volumes increased, but still only a handful of companies, notably Dell, Samsung, Sony, and a small San Antonio company called Altex, collected 92% percent of the volume. Of the 78 companies selling computers in Texas in 2010, 36 of them collected zero pounds. Computer giant HP collected only 45,931 pounds. By comparison, Dell collected 10 million pounds.

Policy conclusion:

Bills should include clear and high expectations for performance, or your program will underperform.

Lesson 4:

Many manufacturers will stop collecting when they hit their goals, so goals should be high and set as minimums, not ceilings.

In the first year of Minnesota's program, we saw that once manufacturers hit their collection goals, they put the brakes on collecting. Many collectors over-collected e-waste there, thinking they could sell it to the manufacturers who would need it to meet their goals. But some were left holding onto those pounds, once manufacturers reached their marks and didn't want to go over. This was a problem for those collectors, but it was also a problem for consumers. Collection programs that were free (to consumers) as long as the manufacturers were paying for the collection would suddenly have to start charging collection fees once the manufacturers hit their goals. This is disruptive to these programs, and we know that for some consumers, if they must pay to recycle, they won't recycle.

Oregon's program was so successful in its first year that it became clear about half way through the year that companies were on track to exceed the statewide targets. One group of manufacturers put the brakes on their recycling efforts, dropping some recyclers from their program, and telling Goodwill to stop participating in some collection events. [See "Oregon's electronics recycling too successful for some manufacturers," [The Oregonian, May 12, 2009](#).]

Some states now allow manufacturers to accrue credit for "over-collecting" (beyond their goal), which can be sold to other companies, or which can be carried over to the following year (up to 25%).

Illinois is a good example of what happens if you set your goal too low. In Year 1 (2010), companies had to meet a goal of 2.5 pounds per person, and the idea was that the goal would slowly increase over time, based on the volumes collected. But the first year goal was not mandatory, and if it turned out that their actual collection numbers were below this level, then the goal would be reduced by up to 10%. This created a clear incentive for the companies to do little in Year 1, and in fact they did little – collecting only 2.12 lbs per person, despite having a very large scope of products covered for free recycling. Now, the Illinois bill sponsor is seeking to amend the law to set the goal higher.

Policy conclusion:

- **Set your collection goals high enough to generate real collection activity**
- **Don't link your initial goal setting to the manufacturers' collection activity (or inactivity) or you will start off with a very low goal**
- **Set minimum recycling goals, not goals that act as "ceilings"**
- **Because manufacturers will stop collection when they hit their goal, consider bills that combine both collection goals and convenience requirements. New York State did this, and it seems like a good solution to make sure there is ongoing collection year round. (Program began collecting in 2011, so no data yet.)**

Lesson 5:

Manufacturers will focus efforts on urban areas, not rural ones

This is an obvious one but it's worth mentioning. It costs less for manufacturers to collect e-waste in densely populated areas, than in rural ones. This is one reason why some states (WA, OR, NY) have included some convenience language that requires collection in every county. Minnesota used a different approach – they allowed manufacturers to earn extra credit (1.5 times) for products collected in their rural counties towards their annual goal.

Policy conclusion:

States with large rural areas need to include a strategy that (like convenience measures or rural collection credits) that will make sure that your rural constituents are not neglected.

Lesson 6:

Landfill bans boost recycling levels.

Many states laws enact landfill bans, sometimes to coincide with the beginning of their collection program, sometime phased in a year or two later. But States see a spike in volumes when the bans go into effect. Maine began its collection program in January of 2006, but the landfill ban didn't take effect until July 2006. In the first six months they collected 1,291,202 lbs, but in the six months after the landfill ban took effect they collected 2,869,372 lbs. Some of that increase may have been due to maturing of the program, but since it was largely based on an existing infrastructure, they believe that the landfill ban had a big impact.

Policy conclusion:

Include in your e-waste law a disposal ban that prevents e-waste from being discarded into the municipal waste stream (landfills or incinerators)

Lesson 7:

States need to be proactive to make sure e-waste is handled responsibly.

The recycling industry has a history of “bad actors” – companies who use various low-road strategies to manage the products they collect. Some export them to developing countries. Some have stockpiled e-waste in warehouses and then disappeared, leaving behind a toxic waste dump. Some send it to processors using prison labor (particularly the federal prison UNICOR program). Some basically dump it here in the U.S. (such as the collector that loaded computers from a university in Minnesota onto a barge on a lake and then sank it). Some processors are not stooping to those measures, but they run operations that are not as safe for their workers or the environment as they should be.

We don't have federal laws that adequately regulate this industry. Some states have created their own recycling standards that recyclers must adhere to. But for most states, this step is simply too challenging – particularly for verifying compliance. Fortunately we now have two new voluntary standards and certification programs that can help here: e-Stewards and R2. While we believe that e-Stewards is a far superior standard (the R2 standard still allows exporting to developing countries and use of prison labor), states want to provide options. States can, however, show a preference for the much higher e-Stewards standard.

Policy conclusion:

- **Include language in your bill that requires all processors and refurbishment vendors handling e-waste collected in your state programs to be certified to either the R2 or e-Stewards Standards, showing a preference for e-Stewards.**
- **Include language that forbids the use of prison labor for e-waste collected in your state program.**

Lesson 8:

We want to encourage reuse, but e-waste laws can inadvertently discourage reuse if we are not careful

The last thing we want to do is to create laws that discourage legitimate reuse of products here in the U.S. (We do not support exporting non-working or untested products to developing countries, as this is usually a cover for e-waste dumping.) But there are many entities – from large commercial recyclers to small, locally based non-profits – who will reuse and refurbish used equipment for resale or sometimes for placement in non-profits or needy communities. Lawmakers need to be sure that programs don't reward recycling units more than reusing them. (This is the situation in the California program, where recyclers are only reimbursed for units recycled, but not reused. So reusable units are mostly diverted for recycling.)

Illinois has created an incentive for reuse by awarding extra credit to manufacturers toward their goals for units reused instead of recycled. Washington awards a bonus for equipment collected through charities whose main role is reuse. Washington State's law initially inadvertently disadvantaged small reuse entities that do very "light" refurbishment and local resale by including them in the restriction that collectors doing refurbishment must register as processors. They later modified their law to exempt these small guys.

Policy conclusion:

Analyze your bill language to make sure reuse is not discouraged, and include language to award extra credit toward goals for units that are actually reused.

Lesson 9:

Consumers want to be able to bring back everything – including televisions and printers

State laws must specify the "scope of products" that can be returned for free recycling. The first states to pass e-waste laws specified very narrow scopes of products, typically just computers, monitors, laptops and sometimes TVs (but some didn't even include TVs). This was often because that's politically as much as they could get passed at the time. States passing bills more recently (like New York) have been able to establish much larger scopes of products, including a wide range of computer and television peripherals, as well as basic consumer devices. Anecdotal reports from collectors show that consumers want to be able to bring back all the used electronics they have, not just a few of them, especially the larger ones (like TVs and printers). People are more likely to use programs that allow them to bring back all the items they have ready for recycling or disposal. In some states, the highest proportion of e-waste coming back (by weight) is in televisions (over 60% in WA and OR). Some states have already gone back to the legislature to amend their laws to expand their scope of products. See our [list of which products are covered by each state law](#).

Policy conclusion:

- **Include a broad scope of products for free recycling.**
- **Since new products emerge all the time, use more general terms to describe these products.**
- **If possible, create an administrative procedure for adding to the scope of products, without going back to the legislature.**

Lesson 10:

Transparency and reporting helps us to understand better what's happening in the programs

Currently, most companies do not voluntarily report (publicly) the volumes they collect in each state. The companies will promise legislators that they will operate robust takeback programs, but the only way we will know how successful they are is if we get clear reporting by each company, available to the public. For instance, in Texas, the companies report their volumes to the State, but the Texas law does not require the State to make this collection information public, so the State does not do so. An NGO there must file a Freedom of Information Act (FOIA) request each year to get that information and release it publicly. And the 2009 and 2010 numbers revealed that companies were making vastly different levels of effort. In some states, the manufacturers lobby to get this information exempted from FOIA requests.

Because these programs are still fairly new, reporting is an important way for us to evaluate the effectiveness of the programs, and to compare the different approaches between states.

The State should put out a report at least annually (but quarterly is better) on the volumes that each manufacturer has collected.

In some states companies must submit plans for approval. In Washington, the plans are made public only after they are approved. So local residents, businesses, or governments have no opportunity to comment or make suggestions on the plans before they are approved.

Policy recommendation:

Include language that requires

- **quarterly reporting from manufacturers to the State on collection volumes, by category and not exempt from FOIA disclosures**
- **quarterly public reporting by the State on the volumes collected by manufacturers**
- **making manufacturer plans (if required) public – both when they are submitted (draft plans) and after they are approved**
- **manufacturers to hold a public meeting on their proposed plans or at least provide opportunities for comments, that the State could view in its approval process**

Find more information on state e-waste laws on our [website](#).

Last updated: May 10, 2011

How much e-waste is collected in states with electronics recycling laws?

Twenty five states have passed e-waste recycling laws, and all but two are based on “Producer Responsibility.” Many programs are only just getting started. Only a few states report breakdowns by product type. This chart is updated regularly as data becomes available.

☑ means the item is collected for free recycling but the state doesn’t provide collection data by category. (Figures in purple estimated or annualized.)

KEY to Other Products: C = Cell phone, CB = Converter box for TV, D = DVD player, DPF = Digital Picture Frames; F=Fax, G = Game console, K=Keyboard, M = Mouse, MP= MP3 player, S = Scanner, Sat = Satellite receiver or cable receiver, V= VCR

Last updated: Sept 26, 2011

State	Year	Monitors	TVs	Computers	Laptops	Printers	Other Products See key above	TOTAL LBs COLLECTED	Notes	# Reg. Mfgers	Population ¹	Disposal Ban Effective Date	# sites	People per site ²	Lbs per capita ³	
California	Year 1	2005	☑	☑	not covered	☑	not covered	64,809,498		None, Mfgers don't participate	35,795,255	In 2002 & 2006			1.81	
	Year 2	2006	☑	☑	not covered	☑	not covered	127,979,144			35,979,208					3.58
	Year 3	2007	☑	☑	not covered	☑	not covered	185,190,929	Portable DVD players with LCD screens added			36,226,122				5.17
	Year 4	2008	☑	☑	not covered	☑	not covered	216,062,581				36,580,371				5.91
	Year 5	2009	☑	☑	not covered	☑	not covered	167,876,682				36,961,664				4.54
	Year 6	2010	☑	☑	not covered	☑	not covered	172,570,839				37,253,956		580 collectors		
Hawaii	Year 1	2010	☑	Not until 2011	☑	☑	☑	3,235,432	Only IT in 2010	49	1,360,301				2.38	
Illinois	Year 1	Jan-Jun '10	3,324,947	4,674,583	2,771,516	Reported under Computers	1,689,124	1,159,071	30,183,168		52	12,830,632	2012	144	89,102	2.35
			24%	34%	20%		12%	C,D,F, G, K, M, MP, S, V								
Maine	Year 1	2006	1,205,726	2,954,848	not covered	Laptops reported under "monitors"	not covered	4,160,574			1,317,308	7/20/06			3.16	
	Year 2	2007	1,393,775	3,290,682	not covered		not covered	4,688,552	4095 unk			1,314,963			3.57	
	Year 3	2008	1,421,399	3,853,020	not covered		not covered	5,274,419		Printers, DPF, Games added for 2010		1,319,691			4.00	
	Year 4	2009	2,145,256	5,767,036	not covered		not covered	7,912,292				1,318,301			6.00	
	Year 5	2010	1,203,511	3,935,723	not covered		198,895	158 games	5,338,287				1,328,361			4.02
Maryland		2006	Was a pilot program with limited funding. Permanent program estab. eff. Oct 2007													
	Year 1	2007	Volumes reported are from municipal (mostly county) collection programs that go beyond products covered by law (computers and displays).						908,135	FY 07-08: Total includes 2.2 Million lbs pd by producers		5,634,242			0.16	
	Year 2	2008	Manufacturer registration fees used as grants to reimburse some municipal costs (see box to right of total lbs.)						12,610,690			5,658,655			2.23	
	Year 3	2009							17,393,976	FY 09-10: Total includes 9 million lbs paid for by producers,		5,699,478			3.05	

State		Year	Monitors	TVs	Computers	Laptops	Printers	Other Products See key above	TOTAL LBS COLLECTED	Notes	# Reg. Mfgers	Population ¹	Disposal Ban Effective Date	# sites	People per site ²	Lbs per capita ³	
	Year 4	2010							17,042,374		60	5,773,552		30		2.95	
Minnesota	Year 1	2007 - 08	☑	☑	☑	☑	☑	Fax, DVD, K,	33,600,000		79	5,191,206	7/1/06			6.47	
	Year 2	2008 - 09	☑	☑	☑	☑	☑		30,293,194		72	5,230,567				5.84	
	Year 3	2009 - 10	☑	☑	☑	☑	☑		33,082,679		71	5,266,214				6.37	
	Year 4	2010															
North Carolina	Year 1	2010	☑	☑	☑	☑	☑ as of July 2010	K, M, S as of July 2010	9,148,000		78	9,535,483	7/1/2011			.096	
Oklahoma	Year 1	2009	☑	not covered	☑	☑	not covered		817,277			3,687,050	No ban			0.22	
	Year 2	2010	☑	not covered	☑	☑	not covered		2,554,632		36	3,751,351				1.47	
Oregon	Year 1	2009	6,144,774	10,817,023	2,031,941	Reported under computer	not covered		18,993,738			3,825,657				4.96	
		%	32.40%	57.00%	10.70%		not covered										
	Year 2	2010	6,520,439	14,972,860	2,897,973		not covered		24,149,774			3,825,657	1/1/2010	264	14,491	6.31	
	%	27.0%	62.0%	12.0%	not covered												
Rhode Island	Year 1	2009	☑	☑	☑	☑	not covered		2,823,369		46	1,053,209	1/1/08			2.68	
	Year 2	2010	☑	☑	☑	☑	not covered		Not available			1,052,567					
Texas	Year 1	2009	☑	not covered	☑	☑	not covered		15,247,207			24,782,302				0.62	
	Year 2	2010	☑	not covered	☑	☑	not covered		24,370,894			25,145,561				0.97	
Virginia	Year 1 partial	Jul - Dec 2009	☑	not covered	☑	☑	not covered		3,782,500	Actual 2Qs	37	7,882,590				0.96	
							not covered		7,565,000 ⁴	Annualized		(6 mos x 2)					
	Year 2	2010	☑		☑	☑	not covered		4,439,446 ⁵			7,882,590				0.56	
Washington	Year 1	2009	12,287,734	22,350,612	3,910,328	Reported under computer	not covered		38,548,674			6,664,195				5.78	
			%	31.90%	58.00%		10.10%	not covered						NA ⁶			
	Year 2	2010	10,738,240	24,969,639	3,759,919		not covered		39,467,798			6,664,195		280	23,801	5.92	
	%	27.20%	63.30%	9.50%	not covered												
West Virginia	Year 1	2009-10	Counties run programs partly funded by producer fees. Some producers operate own programs.				921,270 lb by counties 2009	724,435 lbs by mfgers 2009	1,646,155	For 2009 Prelim data.		1,819,777	1/1/2011				0.51
			☑	☑	☑	☑	not covered										
Year 2	2010-11	☑	☑	☑	☑	not covered			No data yet.								
Wisconsin	Year 1	Jan - Jun 2010	☑	☑	☑	☑	☑	D, F, K, M, V	10,328,779	Only 6 months	69	5,686,986	9/1/10	329	17,286	3.63	
	Year 2	Jul 2010 - June 2011	☑	☑	☑	☑	☑	D, F, K, M, V	35,470,000	First full year	82	5,686,986		400	14,217	6.24	
Other States Which Began Collection in 2010 or scheduled to begin collection in 2011 or later. (No data available yet)																	
Connecticut	Year 1	2011	☑	☑	☑	☑	☑			Data in 2012	60	3,518,288	1/1/2011	123	28,604		

State		Year	Monitors	TVs	Computers	Laptops	Printers	Other Products See key above	TOTAL LBs COLLECTED	Notes	# Reg. Mfgers	Population ¹	Disposal Ban Effective Date	# sites	People per site ²	Lbs per capita ³
Indiana	Year 1	Apr 2010 – Mar 2011	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	not covered	F, K, DVD, V		Later in 2011			1/1/2011			
Michigan	Year 1	Apr 2010 – Mar 2011	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Added in year 2			Later in 2011	27					
Missouri	Year	2010-11	<input checked="" type="checkbox"/>	not covered	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	not covered			Later in 2011						
New Jersey	Year 1	2011	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	not covered			Data in 2012			1/1/2011			
New York	Year 1	Apr 2011 – Mar 2012	<input checked="" type="checkbox"/>	C, CB, D, F, G, K, M, MP, S, Sat, V		Data in 2012			4/1/11 and 1/1/12							
Pennsylvania	Year 1	2012	<input checked="" type="checkbox"/>	K		Data in 2013			1/1/2013							
South Carolina	Year 1	July 2011- Jun 2012	<input checked="" type="checkbox"/>			Data in 2012			7/1/2011							
Vermont	Year 1	July 2011 – Jun 2012	<input checked="" type="checkbox"/>	K, M		Data in 2012			1/1/2011							

Comparing data between the states.

To make fair comparisons, it's important to know that these programs are not all accepting the same products, and some collect from more than just households. (See whose products are covered on our [chart summarizing laws](#).) For instance, the California program accepts e-waste from all entities – business, consumers, etc. CA experts estimate that at least half the volume there comes from business. So those numbers should be expected to be higher than states that are only collecting from residents.

For more information on state laws: <http://www.electronicstakeback.com/promote-good-laws/state-legislation/>

¹ Population stats through 2009 from US Census annual July estimates: <http://www.census.gov/popest/states/NST-ann-est.html> .
2010 Census data: <http://2010.census.gov/2010census/data/>
2011 Census information not yet available.

² We divide total population by the number of regular collection sites (meaning those operating year round). Of course, one would need to look at the location of the sites to assess whether all areas of the state are covered, but this statistic provides a very general metric for comparing the number of sites offered between states.

³ Pounds per capita (pounds per person in the state) is used to compare collection volumes between states with different populations.

⁴ Program went into effect mid-year, so manufacturers were required to report only July – Dec 2009 collection totals. Because this was only 6 months of collection, we multiplied the volumes time 2 to estimate an annual amount (for comparison's sake). However, according to the Virginia Dept of Environmental Quality, some companies reported annual totals in their 2009 numbers. So our annualized 2009 number was likely overstated.

⁵ According to the VA DEQ, some companies have still not reported their 2010 numbers. We will revise this total, if these manufacturers report any volumes.

⁶ Washington did not include a statewide disposal ban in its law, but some counties have established disposal bans (including King County).

March 11, 2013

Representative Chris Lee, Chair
Representative Cynthia Thielen, Vice Chair
Committee on Energy & Environmental Protection

Representative Della Au Belatti, Chair
Representative Dee Morikawa, Vice Chair
Committee on Health

HAWAII HOUSE OF REPRESENTATIVES
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

HEARING: Tuesday, March 12, 2013
8:30 AM
Conference Room 325

Re: CEDIA's opposition to Senate Bill 1135, SD2, in its current form

Dear Representative Lee, Representative Belatti, and members of the committees:

On behalf of the Custom Electronic Design & Installation Association (CEDIA), thank you for allowing us the opportunity to provide written testimony **opposing** Hawaii Senate Bill 1135, SD2, in its current form, legislation that amends and expands the Electronic Waste and Television Recycling program.

CEDIA's concerns with Senate Bill 1135, SD2, in its current form include the broad and problematic definitions of "covered electronic device," "electric devices" and "peripheral".

CEDIA is the professional trade association representing companies that specialize in planning and installing electronic systems for the home. These systems include residential networking, home automation / communication, media rooms, home theaters, single /multi-room entertainment, and integrated whole-house subsystems providing control over lighting, security, and heating, ventilation & air conditioning (HVAC) systems.

CEDIA represents seven member companies who work in the residential electronic systems industry in Hawaii. All of these companies are electronic systems contractors (ESCs), many of which are independent retailers and installers representing a vital part of small business in Hawaii.

CEDIA participated on the Department of Health's Hawaii Electric Device Recycling Task Force and was glad to serve as a resource throughout the task force's work. Electronic waste is an important issue for

CEDIA's Hawaii-based members, and we look forward to a workable legislative solution that takes into account Hawaii's unique situation, along with the needs of the residential electronic systems industry.

As currently written, Senate Bill 1135, SD2, has the following very broad and problematic definitions:

"Covered electronic device": (1) Means [~~a computer, computer printer, computer monitor, or portable computer with a screen size greater than four inches measured diagonally;~~] electronic equipment intended for use by consumers and businesses, such as televisions and their peripherals; computers and their peripherals; and similar devices used by consumers and businesses; and (Page 9, lines 3 -10).

"Electric devices" means any device or appliance that operates on electricity." (Page 7, lines 10 – 11).

"Peripheral" means any electrically powered device intended for use with a computer, television or similar device. (Page 7, lines 21 – 22).

CEDIA raises concern with these broad and problematic definitions and feels the expanded definitions listed in Senate Bill 1135, SD2, would impact a substantial number of industries and countless number of product categories.

From the perspective of the residential electronic systems industry, the expanded definitions in Senate Bill 1135, SD2, would include such product categories including, but not limited to: motorized window shades, motorized screens, and television lifts. These are important product categories for electronic systems contractors, but would unintentionally be defined into the expanded product scope. This could discourage these specialty equipment manufacturers to sell products in or into Hawaii and make it more difficult for electronic systems contractors to provide solutions to their customer's electronic systems projects.

These are examples of how Senate Bill 1135, SD 2, would impact some of the product categories used in the residential electronic systems industry - one of numerous industries that would be impacted by the expanded definitions of Senate Bill 1135, SD2. CEDIA strongly encourages an examination of the definitions of "covered electronic device," "electric devices" and "peripheral" before moving Senate Bill 1135, SD 2, forward.

On behalf of CEDIA, thank you for the opportunity to share our concerns on Hawaii Senate Bill 1135, SD2, in its current form. CEDIA looks forward to working with members of the Committee on Energy & Environmental Protection and the Committee on Health, Department of Health staff, and other industry stakeholders on this important issue to Hawaii and the residential electronic systems industry. Thank you for your time and consideration.

Respectfully submitted,



Darren Reaman
Director of Public Policy
Custom Electronic Design & Installation Association (CEDIA)
(800) 669-5329 ext. 144
dreaman@cedia.org



Representative Chris Lee, Chair
Representative Cynthia Thielen, Vice Chair
Committee on Energy and Environmental Protection

Representative Bella Au Belatti, Chair
Representative Dee Morikawa, Vice Chair
Committee on Health

HEARING Tuesday, March 12, 2013
 8:30 am
 Conference Room 325
 State Capitol, Honolulu, HI 96813

RE: SB1135, SD2. Relating to Recycling

Chairs Lee and Au Belatti, Vice Chairs Thielen and Morikawa, and Members of the Committees:

Retail Merchants of Hawaii (RMH) is a not-for-profit trade organization representing 200 members and over 2,000 storefronts, and is committed to support the retail industry and business in general in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

We do not disagree with the intent of SB1135, SD2; however, as written it is unworkable and precludes our support. SB1135, SD2 does not fully address the concerns of the stakeholders, particularly those of the producers and manufacturers that bear the responsibility of implementing this program. Problematic are definitions (covered electronic device, electric device, and peripheral), timelines, and logistics with compliance.

RMH requests further dialogue between stakeholders to address the concerns with the current Electronic Device Recycling Program vis a vis SB1135, SD2. Thank you for your consideration.

Carol Pregill, President



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Representative Chris Lee,
Chairman, Hawaii House Committee on
Energy and Environmental Protection

Representative Della Au Belatti,
Chairwoman, Hawaii House Committee on Health

March 11, 2013

**Subject: Senate Bill 1135, related to Electronic Device Recycling
Hearing March 12, 2013**

Dear Chairman Lee, Chairwoman Belatti, and Members of the committees,

I am writing to provide you with Sims Recycling Solutions' comments on the proposed changes to the existing Electronic Waste and Television Recycling and Recovery Act (Chapter 339D). SB 1135 was submitted to the legislature at the request of the Hawaii Department of Health as part of the report required of the Department under SB 2822, signed into law in 2012. Sims Recycling Solutions was an active member of the task force and supports the intent to make improvements to the Act, but we are not able to support SB 1135 in its present form. Sims Recycling Solutions would be able to support SB 1135 with the changes we have outlined below.

Background

Sims Recycling Solutions is the world's leading electronics recycler, with over 40 facilities in 14 countries. Sims Recycling Solutions has been an active participant in providing the citizens of Hawaii recycling services since the Act was implemented in 2010. We accomplish this by working closely with Pacific Corporate Solutions (PCS) of Aiea, HI. The services PCS and Sims Recycling Solutions provide meet the requirements established in the Act and are performed on behalf of a number of registered manufacturers of electronic equipment. Since the Act was implemented, Sims Recycling Solutions has recycled over 5,000,000 pounds of unwanted electronics from the citizens of Hawaii including every county in the state. Sims Recycling Solutions is also providing similar take back service throughout the United States, Canada, and Europe. It is with this extensive experience that we provide the following suggestions in order to help establish an effective and efficient take back system for the citizens of Hawaii:

Section 1. § 339D-D Collector Registration

In order to have a robust collection network that makes it convenient for the citizens of Hawaii to return their unwanted electronics, collection opportunities must be plentiful. Sims Recycling supports the requirement that the collectors must register with the State. In this way, the Department can consolidate all of the collection locations from all of the manufacturers and be able to make it available as needed. However, Sims Recycling would encourage the committee

drop the registration fee from the requirements for collectors. Many collectors are small businesses and the fee acts as a barrier to entry for these small businesses.

Section 5.1(c)(2) § 339D-4 Manufacturer recycling plan.

One of the goals of SB 1135 that Sims Recycling Solutions supports is to provide reasonably convenient service to all of the citizens of Hawaii. Under the current take back program, some manufacturers are exceeding the requirements of the Act by providing service to neighboring islands through take back events and contracts with local municipalities. Under HB 904, all manufacturers will be given a weight obligation. The marketplace will drive more collection activity as manufacturers compete for returned material. Sims Recycling Solutions has already seen less volume available since the Act was implemented in 2010 and we see it becoming increasingly difficult to meet the demands of our manufacturers. By necessity, manufacturers will need to increase collection activities in all counties in order to meet their volume obligations.

The requirement in Section 5.1(c)(2) is not efficient and will be very expensive for all stakeholders. Under the current Act, there are approximately 34 different manufacturers' plans covering about 65 different manufacturers. With the increase in the scope of products, there will be many more manufacturers covered under SB 1135 and many more take back plans. It is not efficient or necessary to have 50 or more different take back options in every county and every zip code with a population greater than 25,000 people.

Other states have addressed how to fairly provide service to their citizen in both the urban and rural areas. New Jersey found perhaps the most efficient way. The law in New Jersey makes the New Jersey Department of Environmental Protection responsible for making sure all of the counties in New Jersey are provided service. The department accomplishes this requirement by not approving any manufacturer's plan until all counties in New Jersey are provided service in at least one of the manufacturer's plans. The manufacturers provided service to all 23 counties in New Jersey (many extremely remote and sparsely populated) with minimal department intervention. The Department of Health could easily review submitted plans and ascertain if all counties were provided sufficient coverage.

Suggested language:

Sims Recycling Solution suggests the following language to replace Section 5.1(c)(2). "Prior to approving any manufacturer take back plan, the Department of Health shall ensure that at least one electronic collection opportunity is available in each county throughout the State and in a manner as to be reasonably convenient, to the maximum extent practicable and feasible, to all citizens in the county." This language is based on the language used in New Jersey's law.

Section 5.1(b)(1) § 339D-4 Manufacturer registration.

The subject of manufacturers paying a registration fee was discussed during the task force meetings. It was generally agreed during the meetings that the Department should have those administrative costs necessary to manage the take back program paid for through a registration fee. The \$5,000 amount paid into the electronic device recycling special fund in SB 1135 is not



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based on any projected need, nor was the number of entities paying the fee factored into the amount. Stakeholders and the citizens of Hawaii should not be subject to arbitrary costs without budgetary controls.

Recommendation:

Sims Recycling Solutions would recommend the amount paid by manufacturers be based on an analysis of the needs of the Department and the number of manufacturers registering with the Department.

Again, Sims Recycling Solutions could support SB 1135 with these minor changes. Sims Recycling Solutions would like to thank the committee for allowing us to comment on SB 1135 and we look forward to working with the legislature and other stakeholders in developing an improved electronic take back program for the citizens of Hawaii.

Sincerely,

A handwritten signature in black ink that reads "Larry King".

Larry King
Legislative Analyst

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Dan Youmans
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March 12, 2013

Rep. Chris Lee, Chair, Committee on Energy & Environmental Protection
Rep. Della Au Belatti, Chair, Committee on Health

*Re: Testimony on Senate Bill 1135 SD2
Hearing before the Committee on Energy & Environmental Protection and
Committee on Health
March 12, 8:30 a.m., Conference Room 325*

Committee Chairs Lee and Belatti:

AT&T urges the Committees to **defer** action on Senate Bill 1135 SD2. We believe much more stakeholder work needs to be done, especially in the areas of mandating certain recycling obligations and the potential economic impact of this bill. This is essential due to the costly nature of these new regulations on businesses offering a wide-range of electronic devices to consumers.

Many businesses, including AT&T, already have successful recycling programs for the electronic devices we sell. We offer a free and convenient recycling program to our customers as well as anyone who wants to dispose of used cell phones, tablet computers, and peripherals. These devices can simply be dropped off at anytime at any of our retail stores throughout the state of Hawaii. We will refurbish or recycle these devices, and the revenue we generate from the reusable materials goes toward our "Cell Phones for Soldiers" program. This service provides free long-distance calling for members of the U.S. Military serving overseas.

Any new legislation concerning electronic waste recycling should provide flexibility so that voluntary programs like AT&T's are not discouraged. We are especially concerned about mandates on recycling obligations that would be costly and unrealistic.

We urge both Committees to consider the impact of this legislation, especially on Hawaii's economy. Certainly businesses that are already doing the right thing through effective voluntary recycling programs should not see their costs of doing business in Hawaii increase. Therefore, we request that the Committees defer further action on Senate Bill 1135 SD 2 for further discussion.

Respectfully Submitted,

Dan Youmans, AT&T



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Submitted Via EEPtestimony@capitol.hawaii.gov

March 11, 2013

Representative Chris Lee
Chair, Committee on Energy & Environmental Protection

Representative Della Au Belatti
Chair, Committee on Health

Re: S.B.1135, S.D. 2 Relating to Recycling
Hearing: Tuesday, March 12, 2013 at 8:30am, Room 325

Dear Chairs Lee , Belatti and Members of the Joint Committees:

On behalf of the Consumer Electronics Association (CEA)[®], I am writing to provide testimony regarding S.B. 1135, S.D. 2, which proposes to amend and expand the Hawaii electronics recycling law.

CEA represents more than 2,000 companies involved in the design, development, manufacturing, distribution and integration of audio, video, in-vehicle electronics, wireless and landline communications, information technology, home networking, multimedia and accessory products, as well as related services that are sold through consumer channels.

CEA **opposes** S.B. 1135, S.D.2 as drafted, but continues to be open to further discussion with stakeholders regarding this measure. CEA participated in the meetings of the Electronics Device Task Force, and appreciates the time and effort the Department of Health and other stakeholders expended in exploring the options to improve Hawaii's electronics recycling law.

CEA also sincerely appreciates the effort made by the Senate Joint Committees on Energy and Environment and Judiciary and Labor to work on the current language in the bill, in an attempt to address the concerns of stakeholders. In particular, CEA believes that the narrowed scope of products to only the consumer electronics industry is a good first step towards making the bill workable.

While at this time, CEA cannot ultimately support the measure, we are amenable to continuing discussions regarding the bill and the related technical issues, to see if mutual agreement can be reached to improve the existing electronics recycling law.

Thank you very much for the opportunity to submit testimony on this measure.

Sincerely,
THE CONSUMER ELECTRONICS ASSOCIATION

A handwritten signature in black ink, appearing to read "Walter Alcorn". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Walter Alcorn
Vice President, Environmental Affairs and Industry Sustainability

March 8, 2013

House Committees on Energy & Environmental Protection and Health
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

RE: SB 1135 - Oppose unless Amended

Dear Representatives:

I am writing to provide Apple's thoughts on the amendments recently made to SB 1135. The new version contains several positive changes from the previous version.

- 1) **All Covered Devices are Now Treated the Same** – this is a significant improvement from the previous approach, which treated televisions differently from computers and other electronic devices. Placing all products on equal footing is important to ensuring a successful program moving forward.
- 2) **Allows for Demanufacture** – the new definition of recycling appears to allow for demanufacture to be performed in the state. This is a major step forward that will employ more Hawaii residents, while allowing for a more cost-efficient handling of materials. Apple's major voluntary recycling efforts would be aided by this law change.

Despite these positives, we still have some concerns/questions with remaining language in the bill. In particular, we would like the following changes to be made.

- 1) **Definition of Covered Electronic Device** – The definition of covered electronic device is currently limited to equipment intended for use by consumers and businesses. Covered electronics sold to educational institutions should also be included as this is often where consumers donate their used equipment and where we find a large share of the disposal issue in the Islands.
- 2) **Role of Counties** – The vaguely defined terms outlining the role of counties is concerning. What happens if one organization buys all available waste or enters into an agreement to do so? This could either eliminate someone from participating or begin an unnecessary bidding war for covered devices.

- 3) **Reuse Should Not be Included** – The bill would allow reused electronic devices to count towards recycling goals. However, reuse is not recycling. Products that have a second life will ultimately return to the waste stream. This double counting does not help further the ultimate goal of this bill – manufacturer responsibility. Rather it benefits certain business models. The provision also is very vague. Will off-lease equipment that is returned to a manufacturer's private label program for resale count? Will donations to covered entities count? How will any of this be tracked and reported? We recommend removing this provision from the bill.

Attached please find a draft of amendments that Apple would like to see incorporated into the bill. Many thanks and please feel free to reach out to me with any questions about Apple's current recycling program or our concerns with the bill at foulkes@apple.com or call me directly at 408-974-2503.

Very truly yours,

D. Michael Foulkes
Apple Inc.
Director, State & Local Government Affairs & Political Compliance
MS: 169-4GA
1 Infinite Loop
Cupertino, CA 95014

Proposed Amendments

SECTION 1. Chapter 339D, Hawaii Revised Statutes, is amended by adding seven new sections to part II, to be appropriately designated and to read as follows:

"§339D–A Recycling goals. (a) The department shall use the best available information to establish the weight of all electric devices sold in the State, including but not limited to the reports submitted pursuant to section 339D–C, state and national sales data, and other reliable commercially available, supplemental sources of information.

(b) No later than September 1, 2013, and annually thereafter, the department shall notify each electronic device manufacturer or representative organization of its recycling obligation.

(c) Each electronic device manufacturer or representative organization shall collect and recycle a goal amount, by weight, of their products sold in the State two years prior as follows, unless amended by rule pursuant to chapter 91:

- (1) For 2014, _____ per cent;
- (2) For 2015, _____ per cent; and
- (3) For 2016 and thereafter, _____ per cent.

~~—(d) Electronic device manufacturers and representative organizations may count reused electronic devices towards their recycling goal amount.~~

(e) Electronic device manufacturers and representative organizations may collect any electronic device or electric device to meet their recycling goal amount.

(f) Collectors of covered electronic devices on behalf of electronic device manufacturers or representative organizations may limit the type of electronic devices or electric devices that they will accept and may limit the number of items that they will accept from a single person; provided that they shall clearly indicate those limits on signage at their collection sites and on their promotional literature.

SECTION 3. Section 339D–1, Hawaii Revised Statutes, is amended as follows:

3. By amending the definition of "covered electronic device" to read:

""Covered electronic device":

- (1) Means [a computer, computer printer, computer monitor, or portable computer with a screen size greater than four inches measured diagonally;] electronic equipment intended for use by consumers, **educational institutions** and businesses, such as televisions and their peripherals; computers and their peripherals; and similar devices used by consumers and businesses; and

(2) Shall not include:

(A) A covered 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) A covered 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) ~~[A covered 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; or]~~ Children's toys that meet the ASTM International F963 standard for toy safety;

(D) Equipment intended to change the physical properties of ambient air;

(E) Lamps and other devices to provide artificial illumination;

(F) Major appliances;

(G) Personal hygiene products;

(H) Power tools;

(I) Small appliances;

~~(J)~~ (J) A telephone of any type[-]; or

(K) White goods."

thielen3 - Charles

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 08, 2013 5:56 PM
To: EEPtestimony
Cc: mz@conservehi.org
Subject: *Submitted testimony for SB1135 on Mar 12, 2013 08:30AM*

SB1135

Submitted on: 3/8/2013

Testimony for EEP/HLT on Mar 12, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Marjorie Ziegler	Conservation Council for Hawai'i	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**HOUSE OF REPRESENTATIVES
THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2013**

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Chris Lee, Chair
Rep. Cynthia Thielen, Vice Chair

COMMITTEE ON HEALTH

Rep. Della Au Belatti, Chair
Rep. Dee Morikawa, Vice Chair

NOTICE OF HEARING

DATE: Tuesday, March 12, 2013 - TIME: 8:30AM
PLACE: Conference Room 325, State Capitol

SB 1135, SD2 -RELATING TO RECYCLING.

Amends and expands the Electronic Waste and Television Recycling program. Effective date is 7/1/50. (SD2)

SB 1133, SD2 - RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM.

Removes the exemption for dietary supplements in amounts greater than one ounce from the deposit beverage container program. Effective 7/1/50. (SD2)

SB 1131, SD2 - RELATING TO RECYCLING.

Establishes a tiered glass advance disposal fee based on the capacity of the glass container. Effective 7/1/50. (SD2)

SB 1131 - Relating To Recycling

Zero Waste Kauai, a local non-profit organization advocating sustainable solid waste management policies strongly supports this measure.

This proposal would increase the existing glass Advance Disposal Fee from the current 1.5 cents per container to 3 cents for smaller containers and 6 cents for containers over 12 oz. This increase would provide additional resources to help keep glass out of the proposed mixed curbside recyclables.

The glass Advance Disposal Fee (ADF) program was created in 1994 to assist in the diversion of glass containers. Under the program, the DOH collects a fee of 1.5 cents per container from the distributors of non-deposit glass container sold in the state. The majority of funds are passed through to the counties, in amounts proportional to population, for the operation of non-redemption glass recycling programs.

The funding provided through the ADF has allowed the Counties to cover a portion of the cost of collecting and recycling glass in their Recycling Programs, increasing the ADF would enable the DOH to increase funding to all counties to bolster their glass recycling efforts.

Here on Kauai it would help expand the recycling of glass generated by commercial operations (hotels, restaurants and bars), and as we move towards curbside recycling assist in minimizing glass contamination at our processing facility.

SB 1133 - Relating to the Deposit Beverage Container Program

Zero Waste Kauai, a local non-profit organization advocating sustainable solid waste management policies supports this measure.

This proposal would eliminate the exemption for dietary supplements in the Deposit Beverage Container program. The revenue impact of this change may be minor, but it would help reduce confusion to the consumer regarding DBC program acceptance which currently impacts convenience and would allow for more efficient operation of the redemption centers (less time spent sorting containers to pull out a few rejects).

SB 1135 – Relating to Recycling

Zero Waste Kauai, a local non-profit organization advocating sustainable solid waste management policies supports this measure with recommendations.

This proposal would revise and expand the State's electronic waste and television recycling program to require manufacturers and importers to provide a more convenient and efficient collection system for consumers. The Bill was originally intended to expand the range of electronic devices covered by the current law to include a majority of electrically powered small appliances and devices.

It would create a much needed registration and reporting system, set mandatory collection and recycling goals for manufacturers, and foster a collaborative programmatic framework for the State to work with both manufacturers and the counties in implementing the program.

Zero Waste Kauai requests the Committee to revise the current draft to return the definition of covered electronic devices to include other small electronics besides computers and televisions, as it was originally intended by the task force.

Hawai'i State House of Representatives
The Twenty-Seventh Legislature
Regular Session of 2013

March 12, 2013

TO: House Committees on Energy & Environmental Protection and Health

TIME: 8:30 AM

PLACE: Conference Room 325 Hawaii State Capitol 415 S. Beretania St.

RE: SENATE BILL 1135, SD 2 RELATING TO RECYCLING

Chairs Lee and Belatti, Vice Chairs Thielen and Morikawa and members of the Committees,

We appreciate the opportunity to testify on Senate Bill 1135, SD 2, relating to recycling. Although we opposed an earlier version of this bill, the current version substantively addresses our concerns.

We offer the following comments:

This bill is the result of extensive work performed by volunteer members and key stakeholders, including numerous government officials, on a Task Force to address the issue of electronic device recycling. As manufacturers of a variety of tools, we have been keenly interested in and support the work of the Task Force. We believe that improving recycling of computers and televisions is laudable.

We objected, however, to the proposed expanded definition of "electric device" proposed in the initial draft of the bill as overly broad and beyond the scope of the Task Force's recommendations. The earlier draft of this measure would have included long-life, higher value power tools, which are designed to be used for many years. We believe the inclusion of such items would be counterproductive to the bill's intent. Due to the high value of their components, which often include copper, power tools are very frequently recycled after many years of use. There has been no indication that these tools are causing landfill or disposal problems; in fact, many power tools are passed between generations, altogether avoiding the waste stream.

We appreciate the opportunity to testify on this measure and request to be included in any further discussion.

Makita U.S.A., Inc.

Stanley Black & Decker, Inc.

(DeWalt, Porter Cable, Black & Decker)

Robert Bosch Tool Corporation

(Bosch, Skil, Dremel, Rotozip, Nelson and Gilmour)

Techtronic Industries Company

(Milwaukee Electric Tool and Ryobi Tools)

March 11, 2013

Committee on Energy and Environmental Protection
Rep. Chris Lee, Chair
Rep. Cynthia Thielen, Vice-Chair
Hawai'i State Capitol
Honolulu, HI 96813

Committee on Health
Rep. Della Au Belatti, Chair
Rep. Dee Morikawa, Vice-Chair
Hawai'i State Capitol
Honolulu, HI 96813

**RE: Hawai'i Senate Bill 1135 SD2 : Electronic Device Recycling Act
 OPPOSE**

Dear Representatives Lee, Thielen, Belatti, Morikawa and Committee Members,

The Technology Association of America (TechAmerica) must respectfully **OPPOSE SB 1135 SD2**, which would create an expanded electronic device recycling program in Hawai'i. While we appreciate and support the effective management of electronic waste, we do not believe that this bill yet represents an efficient or practical approach to achieving such ends. Instead, we would encourage the Legislature to consider more incremental changes to the existing law that encourage greater rates of recycling in Hawai'i.

TechAmerica is the leading voice for the U.S. technology industry – the driving force behind productivity growth and job creation in the United States and the foundation of the global innovation economy. Our member companies are leaders in environmental sustainability, renowned for their proactive efforts to reduce the environmental impacts of their products throughout the product lifecycle: from design, to use, to end-of-life.

First, we appreciate the significant changes that have been made to SB 1135 throughout the legislative process that address some of the concerns articulated by industry stakeholders. Most recently, we appreciate the removal of the specific, increasing mandatory recycling rates for manufacturers from the bill.

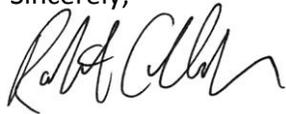
However, we still believe that this bill represents a significant rewrite of Hawaii's existing e-waste law and that a more nuanced approach could be undertaken to refine the current law where necessary and achieve the meaningful gains in recycling that all stakeholders desire.

For example, the convenient collection requirements in the bill based on geography and population are an unnecessary and continue to be problematic. Rather than mandating specific collection site requirements, companies should instead be given the flexibility to provide for collection at the locations and with the frequency they determine will lead to the greatest rates of recycling.

We also remain concerned with Section 339D-I of the bill which requires manufacturers to reimburse county agencies for any collection of devices undertaken by the county and made available to the manufacturer. Requiring companies to reimburse counties for the devices they collect in the course of their normal waste management activities would unfairly shift the burden of collection almost entirely to manufacturers and away from public entities. This is a concerning precedent and does not reflect the notion that it is through the shared efforts of both public and private entities that recycling rates will be maximized in the State of Hawai'i.

For these and other reasons, TechAmerica must respectfully remain **OPPOSED** to **SB 1135 SD2**. If you have any questions, I can be reached at (916) 443-9088 or robert.callahan@techamerica.org.

Sincerely,



Robert Callahan
Director, State Government Affairs
California & Hawai'i

cc: The Honorable Donna Mercado Kim, Hawaii State Senate

thielen3 - Charles

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 09, 2013 11:23 AM
To: EEPtestimony
Cc: TABRAHAM08@GMAIL.COM
Subject: Submitted testimony for SB1135 on Mar 12, 2013 08:30AM

SB1135

Submitted on: 3/9/2013

Testimony for EEP/HLT on Mar 12, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
TROY ABRAHAM	Individual	Support	No

Comments: recycling needs growth an expansion to clean up hawaii and preserve ancient legacies

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Testimony for Committee on Energy & Environmental Protection and Committee on Health

12 March 2013

Kevin Nhieu

2500 Campus Road

Honolulu, HI 96822

knhieu@hawaii.edu

A Memorandum Supporting S.B. 1135, S.D. 2, Relating to Recycling

Good morning, Chairman Lee, Chairwoman Belatti, and other esteemed members of the Energy and Environmental Protection committee and the Health committee. Thank you for allowing me the opportunity to contribute to your decision on the passage of this bill.

My name is Kevin Nhieu and I am a student at UH Mānoa. To be clear, I am not a member of nor affiliated with any organization related to the manufacturing, recycling or reuse of electronic devices. I am simply a concerned citizen who would like to see improvements made in the current recycling program.

In 2006, the Department of Environmental Services estimated up to 9,000 tons of electronic waste was collected commercially. In residential homes, this number raises to nearly 18,000 tons. This would suggest that nearly 27,000 tons of e-waste was generated annually in Hawaii prior to the implementation of the current Electronic Waste and Television recycling program in 2010. The Ulupono Initiative, a local investment company with a focus on improving quality of life for Hawaii residents through locally produced food, clean and renewable energy, and waste reduce, estimates that 11,000 tons of e-waste was generated on O'ahu alone in 2011. If these numbers are accurate, it would indicate that the recycling program was greatly effective in reducing Hawaii's electronic waste. The proposed amendments would strengthen the existing program in numerous ways: expanding the classification of "electronic devices" as defined in the current legislation, by requiring manufacturers to launch recycling programs that would make it easier for Hawaii consumers

to recycle their products, and establishing recycling goals for manufacturers to reach dependent upon their electronic sales.

However, I do maintain a couple reservations about the Senate Bill in its current form. I urge the committee to reconsider the inclusion of major appliances, such as refrigerators and other cooling units, microwaves, and washing machines. Hawaii, as we all know, is a land segregated by thousands of miles of ocean. As a result, the physical space available is limited, making the reduction of waste even more prudent. I believe it is important for both the environment and the community to extend our efforts to reducing the amount of electronic waste generated by the community. Since these major appliances are generally created with steel and other metals, they are not biodegradable and will often end up sitting in a landfill where they rust and possibly leak chemicals, contributing to the contamination of our land and oceans. For these reasons, I believe that it is both the manufacturers' and consumers' responsibility to find the least harmful method of disposal, which would be made that much more difficult if recycling centers refuse to accept such products.

Another concern I have regarding the current form of this Senate Bill is the possibility of manufacturers ceasing their collection efforts once they reach their goals. It is in my opinion that companies often maintain a for-profit attitude, making them more likely to look at the bottom line and trim non-essential programs to keep profits up. I suggest implementing some sort of incentive or rewards program for manufacturers who exceed their collection goals.

Again, I thank you for listening to me ramble on regarding this bill. I hope you take into consideration the suggestions and concerns made today when you deliberate on the passage of this bill.

Thank you,

Kevin Nhieu