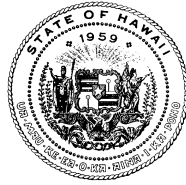


SB 1170



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

Testimony COMMENTING on S.B. 1170
RELATING TO PLASTIC PRODUCTS

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON ENERGY & ENVIRONMENT

SENATOR JOSH GREEN, CHAIR
SENATE COMMITTEE ON HEALTH

Hearing Date: February 17, 2015

Room Number: 225

1 **Fiscal Implications:** No funding is provided to implement the measure.

2 **Department Testimony:** The Department offers comments on this measure.

3 This measure prohibits a person from selling plastic products labeled as “biodegradable” or
4 implying that a plastic product will break down, biodegrade, or decompose in a landfill or other
5 environment.

6 The Department is concerned about the potential impacts of plastic pollution on our marine
7 environment and supports the recent efforts by all counties restricting single use plastic bags.
8 However, we note that a ban on the sale of biodegradable-labeled products, will not prevent the
9 release of “biodegradable” products, but will only prohibit the sale of those labeled as such.

10 While DOH has a plastic container requirement to help identify the type of conventional plastics
11 for recycling markets, we do not inspect or insure proper labeling, and we rely on nationally
12 established standards for labeling. We also note that this proposed labeling would only assist our
13 composting markets should they decide in the future to segregate this waste stream for
14 composting. We believe enforcement of consumer product standards is beyond the scope of the
15 state and is a federal responsibility.

16 The Solid and Hazardous Waste Branch (SHWB) does not have the resources to establish
17 standards, develop rules and enforce the proposed packaging requirements. In fact, due to
18 ongoing state funding limitations, SHWB has cut or reduced services, such as statewide solid
19 waste management planning, compliance monitoring of solid waste and recycling facilities,
20 enforcement of battery and tire retailers, and municipal solid waste landfill operator training.

1 Despite these limitations, DOH will confer with other states and federal agencies that are
2 currently developing policy and legislation in this area, and monitor emerging science to assess
3 the need to develop Hawaii-specific standards, labeling and enforcement activities.

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

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Jodi Malinoski
Rise Above Plastics Coalition- Surfrider Foundation Oahu Chapter
Committee of Energy and Environment, Committee of Health
Tuesday, February 17th, 3:45 PM in Room 225
Bill SB 1170: Biodegradable Plastic Products
Strong Support of SB 1170

Dear Senator Gabbard, Senator Green, Senator Wakai, and Committee members,

Aloha, my name is Jodi Malinoski and I am the Rise Above Plastics Coordinator for Surfrider Foundation Oahu Chapter. The Rise Above Plastics coalition comprises of five environmental groups: Surfrider Foundation, Styrophobia, Sustainable Coastlines, Conservation Council for Hawaii, and Kōkua Hawaii Foundation; I am writing to represent our coalition who is in strong support of Senate Bill 1170.

Biodegradable items were adopted in order to eliminate the wide usage of plastics that present environmental and health hazards. However, biodegradable plastics are more damaging to the environment than regular plastics and also mislead the public, who believe that "biodegradable" products are the same as "compostable" products. Biodegradable food service items still contain 34-97% plastic. These products are designed to break down to micro-plastics, which creates a greater threat to marine life, as it allows organisms that are much lower on the food chain to be contaminated by mistaking the micro-plastics for food. Food service products defined as "biodegradable" present an even greater danger to the environment than plastics because they break down faster than conventional plastics and leave micro-plastics in the soil and water that cannot be seen or cleaned up.

This marketing of products as "biodegradable," "degradable," and "decomposable" is not only dangerous to the environment, but is also misleading to consumers who think they are

purchasing products that are going to naturally break down. As consumers become more eco-friendly, they are purchasing products that are advertised as such. However, the labeling of products as “biodegradable,” “degradable,” and “decomposable” have no standards to verify that the products will truly decompose. Plastics do break down into smaller and smaller pieces, but are estimated to stay in the environment for 300-1000 years. Only products that are “certified compostable” have been scientifically proven to biodegrade by measurable, verifiable, and certifiable ASTM (American Society for Testing Materials) D6400 standards.

ASTM D6400 states that: Under a managed composting program, the product must:

1. break down to carbon dioxide, water, inorganic compounds, and biomass at a rate similar to paper,
2. disintegrate into small pieces within 90 days, so that the original product is not visually distinguishable in the compost
3. leave no toxic residue

Compostable products not only require less fossil fuel to manufacture, but burn more efficiently than plastics, and break down in a managed composting program. This law makes environmentally-friendly alternatives to plastics more transparent. Having these “compostable” standards mandatory for any product sold or manufactured in Hawaii will ensure a fair market for businesses, will protect consumers who want to protect the environment, and have less of an impact on the environment than conventional plastics.

On behalf of the Rise Above Plastics Coalition, thank you for the opportunity to show our support for SB 1170.

Warmest Mahalo,

Jodi Malinoski

Rafael Bergstrom
Surfrider Foundation Oahu Chapter
HB SB1170
ENE/HTH, February 17th 2015, 3:45pm
Strong Support

As our community moves towards a more sustainable future in which we take special consideration for protecting our natural resources by reducing our consumption of single use plastic items, it is important to have uniform definitions to create standards with. At present the term “biodegradable” can be used frivolously and provide loopholes in which products still contain over 90% plastic, and easily break into smaller pieces. By having standards by which we describe these products we will be sure that “green washed” items are not making it into our product and waste streams. Certified compostable products are actually capable of breaking down into natural components that do not contaminate our environment as many plastic products do.

The Surfrider Foundation Oahu Chapter strongly supports this reform of standards that will aid in the protection of our precious natural resources.

Mahalo for your time and support of this bill.

Cheers,
Rafael Bergstrom
Oahu Chapter Coordinator, Surfrider Foundation



Feb. 16, 2015

Committee Chairs & Members of ENE & HTH

RE: Strong Support for SB 1170 – Relating to Biodegradable Plastic Products – Strong Support

Hearing on Tue., Feb. 17, State Capitol, Conf. Rm. 225, 3:45pm.

Dear Chairs Gabbard & Green, Vice Chairs Green & Wakai, and Committee Members,

As the Hawaii Regional Manager of the Surfrider Foundation, I'm writing in strong support passage of SB1170. We helped draft this bill to help companies and consumers better understand and deal with so-called "biodegradable" products, which are often mislabeled and lead to plastic pollution and health issues. Working with a number of groups, we formed the Rise Above Plastic Coalition, which includes organizations like Styrophobia, Conservation Council for Hawaii, Sustainable Coastlines, Surfrider, Kokua Hawaii Foundation and many other groups who are committed to reducing plastic pollution.

Although biodegradable items may seem to reduce the wide usage of plastics and their environmental and health hazards, biodegradable plastics are actually more damaging to the environment because they break down into toxic micro-plastics. This oxymoronic term also misleads consumers and all those who are led to believe that "biodegradable" products are the same as "compostable" products. Biodegradable food service items can still be composed of up to 97% plastic. Designed to break down to micro-plastics, this process creates a greater threat to marine and terrestrial life, as it contaminates the food chain when organisms mistake the micro-plastics for food. Food service products defined as "biodegradable" present an even greater danger to the environment than plastics because they break down faster than conventional plastics and leave micro-plastics in the soil and water that cannot be seen or cleaned up.

Consumers try to be more eco-friendly by purchasing products that are labeled and advertised as "biodegradable." But "biodegradable," "degradable," and "decomposable" labels have almost no standards to verify that the products will truly decompose. Only products that are "certified compostable" have been scientifically proven to biodegrade by measurable, verifiable, and certifiable ASTM (American Society for Testing Materials) D6400 standards. These standards require products to: 1. break down to carbon dioxide, water, inorganic compounds, and biomass at a rate similar to paper; 2. disintegrate into small pieces within 90 days so that the original product is not visually distinguishable in the compost; and 3. leave no toxic residue.

Compostable products not only require less fossil fuel to manufacture, but burn cleaner and more efficiently than plastics. Whether they are burned, composted or put in a landfill, they are less toxic and harmful than so-called "biodegradable" plastics, which is really an oxymoron. This bill offers eco-friendly alternatives to plastics with labeling that is more transparent. Having these "compostable" standards mandatory for any product sold or manufactured in Hawaii will ensure a fair market for businesses, protect consumers, preserve the environment, and have less of an impact on the environment than conventional plastics. Mahalo for your time and consideration and please feel free to contact me if you have any questions or suggestions.

Sincerely,
Stuart Coleman
Stuart H. Coleman
Hawaii Regional Manager

Surfrider Foundation Hawaii Chapters * 2121 Algaroba St., #1107 * Honolulu, HI 96826
808-381-6220 * scoleman@surfrider.org * www.surfrider.org

Beach Environmental Awareness Campaign Hawai'i

P.O. Box 25284 · Honolulu · Hawai'i · 96825

(808) 393 2168 · www.b-e-a-c-h.org

DATE: 15th February, 2015.

TO: Chair Mike Gabbard and Members of the Committee on Energy and Environment
Chair Josh Green and Members of the Committee on Health

FROM: Suzanne Frazer, President, Beach Environmental Awareness Campaign Hawai'i

RE: **TESTIMONY IN STRONG SUPPORT OF SB1170**
Relating to Plastic Products. Prohibits the sale of plastic products labelled as "biodegradable"

Committee meeting on Tuesday 10th February, 2015 at 8:30AM.

Aloha Chair Gabbard, Chair Green and Committee Members,

Beach Environmental Awareness Campaign Hawai'i (B.E.A.C.H.) is in strong support of SB1170. This bill is important to ensuring that the public is not misled by false and misleading claims that a plastic item can biodegrade in the environment.

Having plastic fragment or degrade is not helpful to the environment. It is very bad as small fragments of plastic are very difficult to pick up at the beach and are impossible to remove from the ocean. Adding some starch to plastic to make it look like it biodegrades is only about misleading the public into believing a plastic item is biodegradable, but the plastic remains. Plastic cannot biodegrade. It only photodegrades. Plastic lasts forever.

California passed a law banning the words "biodegradable", "degradable" and "decomposable" on all plastic products and their ban has been very effective and successful in ending false and misleading environmental claims on plastic products in the state. Please amend SB1170 by adding in "degradable" and "decomposable" labels along with "biodegradable".

Thank you for the opportunity to provide written testimony in strong support of SB1170.

Sincerely,



Suzanne Frazer.

President,

Beach Environmental Awareness Campaign Hawai'i (B.E.A.C.H.)



Beach Environmental Awareness Campaign Hawai'i is an all volunteer, non-profit organization that brings awareness and solutions to marine debris through environmental education, plastic reduction/litter prevention campaigns, and marine debris removal and research in order to protect Hawai'i's marine life, sea birds and the ocean/coastal environment.

From: mailinglist@capitol.hawaii.gov
To: [ENETestimony](#)
Cc: vallophoto@yahoo.com
Subject: Submitted testimony for SB1170 on Feb 17, 2015 15:45PM
Date: Monday, February 16, 2015 11:19:14 PM

SB1170

Submitted on: 2/16/2015

Testimony for ENE/HTH on Feb 17, 2015 15:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Valerie Loh	Individual	Support	No

Comments: Please support genuine/authentic compostable products by disallowing false advertising for products which are not actually "biodegradable." Thank you!

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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From: mailinglist@capitol.hawaii.gov
To: [ENETestimony](#)
Cc: zacharyhitchcock@yahoo.com
Subject: Submitted testimony for SB1170 on Feb 17, 2015 15:45PM
Date: Monday, February 16, 2015 10:09:02 PM

SB1170

Submitted on: 2/16/2015

Testimony for ENE/HTH on Feb 17, 2015 15:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Zachary Hitchcock	Individual	Support	No

Comments: Zachary Hitchcock Chairman, Surfrider Foundation Oahu Chapter 1533 Artesian Way Honolulu, HI 96822 Dear Senate, Plastic is not compostable, plain and simple. Plastic does not biodegrade. It should not end in compost bins and the environment. Making false claims to the contrary, confuses consumers and is misleading. The smarter and better informed about the products we use leads to stronger consumerism. Smarter choices will help us build a cleaner future. I support Senate Bill 1170. Sincerely, Zachary Hitchcock 808-222-6960

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To: [ENETestimony](#)
Cc: ahuntemer@aol.com
Subject: Submitted testimony for SB1170 on Feb 17, 2015 15:45PM
Date: Monday, February 16, 2015 1:05:55 PM

SB1170

Submitted on: 2/16/2015

Testimony for ENE/HTH on Feb 17, 2015 15:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Angela Huntemer	Individual	Support	No

Comments: Aloha Chairs Vice Chairs and Committee Members, I support SB1170 because we need to stop the distribution of products masquerading as "environmentally friendly". Mahalo, Angela Huntemer, North Shore O'ahu.

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From: mailinglist@capitol.hawaii.gov
To: [ENETestimony](#)
Cc: justpeachy242@yahoo.com
Subject: *Submitted testimony for SB1170 on Feb 17, 2015 15:45PM*
Date: Friday, February 13, 2015 8:48:02 AM

SB1170

Submitted on: 2/13/2015

Testimony for ENE/HTH on Feb 17, 2015 15:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Fawn Liebengood	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [ENETestimony](#)
Cc: palmtree7@earthlink.net
Subject: Submitted testimony for SB1170 on Feb 17, 2015 15:45PM
Date: Saturday, February 14, 2015 10:33:12 AM

SB1170

Submitted on: 2/14/2015

Testimony for ENE/HTH on Feb 17, 2015 15:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
janice palma-glenie	Individual	Support	No

Comments: Aloha, strongly support measures that require transparency so that the public can make informed decisions about the products they buy and how they'll affect the natural environment both at home and abroad. mahalo. for supporting this bill.

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From: mailinglist@capitol.hawaii.gov
To: [ENETestimony](#)
Cc: kristie.brachmann@gmail.com
Subject: *Submitted testimony for SB1170 on Feb 17, 2015 15:45PM*
Date: Monday, February 16, 2015 12:32:23 PM

SB1170

Submitted on: 2/16/2015

Testimony for ENE/HTH on Feb 17, 2015 15:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Kristie Reilly	Individual	Support	No

Comments:

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