

STATE OF HAWAII
DEPARTMENT OF HEALTH
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In reply, please refer to:
File:

**Testimony COMMENTING on SB0793
RELATED TO RECYCLING**

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Hearing Date: 2/6/2023 Room Number: 224

1 **Fiscal Implications:** Unknown.

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

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

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

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

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

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

10 Thank you for the opportunity to testify.

11 **Offered Amendments:** None

February 6, 2023

Senator Mike Gabbard
Chair, Committee on Agriculture and Environment
Hawaii State Legislature
415 S Beretania St
Honolulu, HI 96813

Re: Support SB 793 Relating to Recycling

Dear Chair Gabbard:

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

Since enactment of the new electronics recycling law last year (HB 1640, now Act 151), our member companies have stepped up collections of e-waste in Hawaii through a combination of new permanent drop-off sites and new collection events. We are meeting the new collection convenience requirements and have picked up the entire cost of the system so that as of January 1 no Hawaii consumer will have to pay to drop off their old TV or computer for recycling.

We have adjusted to this new set of requirements and are not asking for any change relating to the mandate on us to provide convenient collection opportunities with free drop-off.

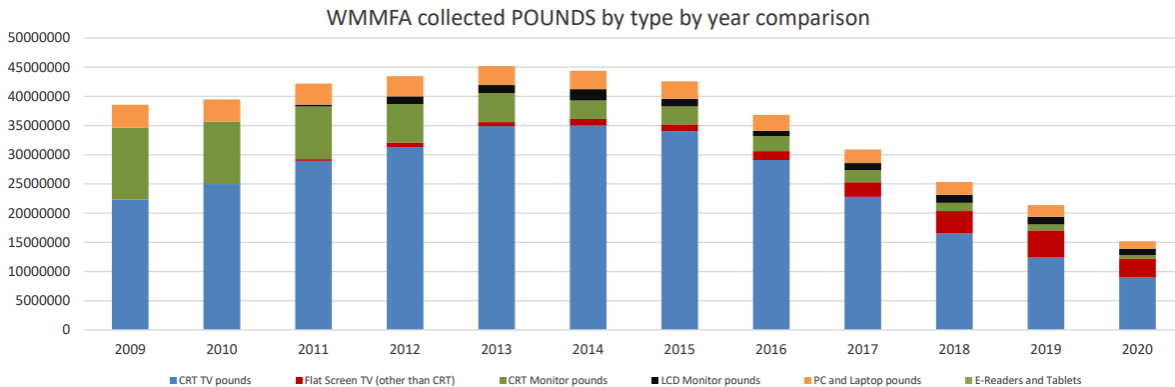
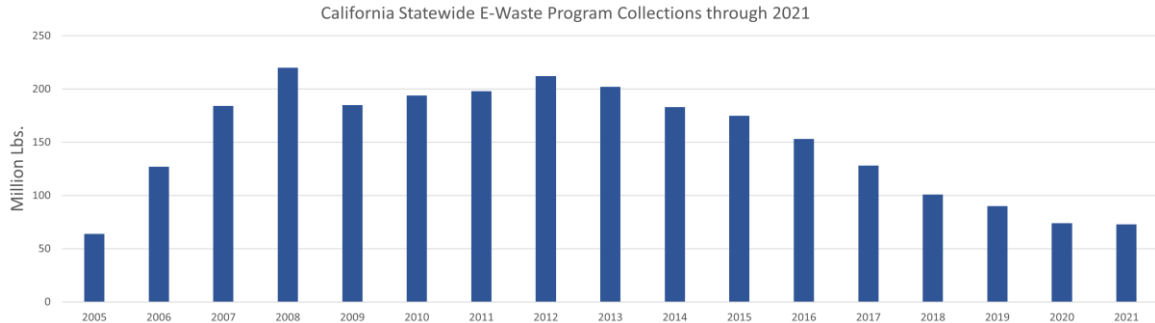
SB 793 would address unintended side effects of the new law, and CTA strongly supports this measure.

Background

Since enactment of the new law in 2022, CTA has heard from multiple manufacturers that the cost of complying with the Hawaii e-waste law has more than doubled. CTA has also heard from manufacturers that this escalation in cost will mean that for at least some of them selling covered devices in Hawaii will be at a loss – an unsustainable situation for any commercial enterprise.

Also, the escalation of pound targets to 60% of pounds sold in 2024 and 70% in 2025 are unachievable. Our industry has done a poor job educating the public on e-waste trends – not

only is e-waste not increasing, according to the latest U.S. EPA data (see table 14 of [this report](#)) consumer electronics are the fastest declining product in the municipal waste stream. Also below are charts showing the trends in California and Washington who both have mature electronics recycling programs with a large and stable collection system:



While we are hopeful that the current year’s target is achievable, manufacturers and their recycling and collection vendors are having to scramble to collect enough to reach the target – a target which is nearly 50% higher than actual collections in 2022. The overall downward trend for e-waste is expected to continue until at least 2026, thus making compliance with the escalating targets unachievable.

Furthermore, the new law includes a shortfall fee of \$1.50 for every pound a manufacturer is short of this target. While CTA supports shortfall fees to ensure a level playing field for compliance across manufacturers, this flat amount has distorted the recycling market in Hawaii. For example, under Connecticut’s electronics recycling program the Department of Energy and Environmental Protection [sets the prices recyclers charge](#) – note that these prices are less than 1/3 of the shortfall fee amount in Hawaii. Moving to a tiered system of shortfall fees would help avoid market distortions while maintaining a level playing field.

CTA Request

For these reasons, we respectfully ask the Committee to pass this measure as is. We are also happy to work with the Committee, the Department of Health and other stakeholders on fine-

tuning this measure so that Hawaii can continue manufacturer-funded e-waste collection at the higher levels established by Act 151, but will also ensure continued access of Hawaii consumers to the full range of consumer electronics going forward.

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

Sincerely,

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

Walter Alcorn
Vice President, Environmental Affairs and Industry Sustainability
Consumer Technology Association



Mr. K's Recycle and Redemption Center

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

TO: Committee on Agriculture and Environment
Chair Sen. Mike Gabbard and Vice Chair Sen. Herbert M. “Tim” Richards, III
Committee Members

FROM: Mr. K’s Recycle and Redemption Center, Inc.
Roy Kadota, Owner

DATE: February 4, 2023

RE: SB 793 Related to Recycling

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

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

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

- d) The lower the recycling weight, the lower the following year's goals. Combined with tiered structure that weakens penalties, this bill creates a system that incentivizes manufacturers to reduce recycling.
 - e) Weight not recycled will tend to end up in the landfill or the gully. This introduces toxic materials and plastics into the environment, and prevents the recovery of assets such as precious metals and reusable components.
- 3) The bill fails to consider the **higher costs of recycling for Neighbor Islands**.
- a) O'ahu has a metropolitan hub and a waste-to-energy incinerator. On Hawai'i Island, not only does Mr. K's have to deal with transportation across a large rural area, but we also have to ship electronic waste to the West Coast. Costs increase when recyclers are based further inland.
 - b) The fourth tier penalty of \$0.50 per pound is **lower** than the \$0.55 per pound fee charged by Mr. K's in 2022 just to collect residential electronic waste, prior to Act 151.
 - c) A penalty that is too low will incentivize manufacturers to pay the penalty rather than recycle on Neighbor Islands. This **undermines the intent of the convenience requirement** in Section 4, which mandates monthly collections at minimum in Hilo and Kona.
- 4) Since desktop printers are covered, it seems **inconsistent** for SB 793 to exclude **floor-standing printers**, or printers with optional floor stands, from the definition of electronic devices eligible for recycling. This may open the door to excluding wall-mounted computer monitors and televisions, for example.

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

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

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



**TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 6, 2023
Re: SB 793 RELATED TO RECYCLING**

Good afternoon, Chair Gabbard and members of the Senate Committee on Agriculture and the Environment. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

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

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

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

We appreciate the intent of Act 151 SLH 2022 to address E-Waste recycling in our islands. We support continuing to make E-Waste collection convenient for consumers so that they participate in the recycling program. We are also seeing that manufacturers are complying with the requirement that each manufacturer establishing 25 collection sites in the state, which has greatly expanded the opportunity for consumers to recycle their e-waste. However, this Act created additional and significant financial burdens for manufacturers. **The additional costs incurred with this program will most likely have the manufacturers passing these costs onto the distributor and retailers who will pass it on to the consumers, thus making electronic items even more expensive than they already are.**

Electronic products are NOT manufactured in the state of Hawaii and therefore must be shipped to distributors and retailers. **Unlike on mainland, Hawaii can truck out or use rail for these E-Waste items to be transported to nearby recycling facilities including those in neighboring states because Hawaii does not have an E-Waste recycling facility within the state.** All electronics turned in for recycling must be shipped out to the mainland. In the past couple of years, we have seen **shipping cost increase significantly adding onto operational cost. This includes not only to and from the State, but also to and from our neighbor islands as well.**

We strongly support the proposal to ELIMINATE the weight-based targets for collection in the bill. **Electronics over the years have been changing and becoming much lighter.** We are seeing more and more weight of newer electronic products being a lot lighter than older ones. With new technology constantly being introduced, we are expecting in the next few years that the recycling weight rate will continue to decline. **Because devices are becoming lighter over time, it does not make sense to escalate recycling targets by weight.** By the Department of Health's own data, collection weights are declining, and the weight-based collection targets will be simply unachievable.

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

Mahalo again for this opportunity to testify.



Re: SB 793 RELATED TO RECYCLING.
Hearing: Monday, February 6, 2023 at 1:00 PM

Position: Strongly Oppose SB793

Aloha e Agriculture & Environment Chair Gabbard and members of the Committee,

Last year, Act 151 was enacted to create an Extended Producer Responsibility (EPR) program for electronic device recycling. Not only does the program make recycling free for all device owners, it also creates convenience requirements for all device owners for collections within zip code areas with greater than 25,000 in population. This includes 19 areas on O'ahu, 2 on Hawai'i Island, as well as Maui and Kaua'i Counties.

Senate Bill 793 and companion House Bill 595 seek to undermine this new program. Recycle Hawai'i strongly opposes the bill for the following reasons:

1. **It disproportionately shifts the cost of recycling all electronic devices to only television manufacturers.** The bill defines "market share" as the calculation of an electronic device manufacturer's prior year's sales of **televisions** divided by all the manufacturers' prior year's sales for **all electronic devices**".
2. **It incentivizes manufacturers to reduce their recycling goals over time.** The bill amends the basis of recycling goals to the manufacturer's market share (see #1) multiplied by the "covered electronic device recycled by all electronic device manufacturers during the previous program year". Because weight recycled is significantly lower than weight sold, this creates lower recycling goals. The lower the recycling weight, the lower the following year's goals. Combined with a tiered structure that weakens penalties (see #4), this bill creates a system that incentivizes manufacturers to reduce recycling.
3. **The bill's tiered penalties weaken incentives and fail to consider the higher costs of recycling for Neighbor Islands.** Act 151 has an intentionally high penalty of \$1.50 for every pound below a manufacturer's recycling goal. SB 793 proposes penalty tiers of < 50% = \$1.50/pound, < 75% = \$1/pound, <90% = \$0.75/pound, and < 100% = \$0.50/pound. A penalty that is too low will incentivize manufacturers to pay the penalty rather than recycle on Neighbor Islands. This **undermines the intent of the convenience requirement** in Section 4, which mandates monthly collections (at



minimum) at zip code areas with a population greater than 25,000. This, for example, mandates collections in Hilo and Kona in Hawai'i County.

Our landfills are in crisis, and during a time of supply chain shortages in electronics, we shoot ourselves in the foot to weaken a program that strengthens recycling and reuse of precious assets. Act 151 took effect only on January 1st, 2023, and already it has contributed to significantly increased electronic waste collection in Hawai'i County. Thank you for the opportunity to **testify in opposition to SB 793**.

Recycle Hawai'i, a 501(3)(c) nonprofit dedicated to reducing waste in Hawai'i since 1992.

With gratitude,

A handwritten signature in black ink, appearing to read "Alexia Akbay", is written over the typed name.

Alexia Akbay
President
Recycle Hawai'i



TESTIMONY OF RECYCLE HAWAII

RE: SB 793

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

Aloha Chair Gabbard, Vice Chair Richards and Members of the Committee. Thank you for the opportunity to provide testimony on this bill.

Recycle Hawaii stands in strong opposition to this bill which seeks to weaken Hawaii's e-waste recycling program by undermining the gains made with the passage of Act 151 in 2022. As our counties struggle to deal with the mountains of materials that end up in our landfills each year, the state should be looking for ways to put more responsibility on producers for the waste their business models generate, not less. This is especially true for electronic waste which contains numerous toxic substances and is a major source of plastic pollution.

There is no logic to the provision that shifts the cost of recycling to television manufacturers, and basing the goals on the weight of materials recycled creates an incentive for recyclers to reduce that volume over time.

Last year, state legislators finally took action to address the environmental injustice inherent in Hawaii's e-waste program, which had failed, since its inception, to provide adequate recycling services to neighbor island residents. Since it took effect in January, Act 151 has increased electronic waste collection significantly in Hawai'i County.

Instead of seeking to undo environmental protections, producers eager to reduce the costs related to recycling waste electronics should design their products to last longer.

We urge all committee member to vote in opposition to SB 793.

Kristine Kubat
Executive Director
Recycle Hawaii
admin@recyclehawaii.org
808-747-4246

SB-793

Submitted on: 2/5/2023 9:00:49 PM

Testimony for AEN on 2/6/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Constance Bee	Testifying for Mr Ks Recycling & Redemption Center	Oppose	In Person

Comments:

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

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

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

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

SB-793

Submitted on: 2/5/2023 11:48:44 PM

Testimony for AEN on 2/6/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christopher Dean	Testifying for Clean The Pacific	Oppose	Written Testimony Only

Comments:

Clean The Pacific opposes SB793. While the intent of the bill is admirable, in practice it enables the majority of our E-waste to go un-recycled. All manufactures of ALL electronic appliances need to be held accountable for the full life cycle of their products, from ear buds to huge flat screen TVs. Currently, it's difficult for the citizens of Hawaii to recycle their broken electronics. We have to store them somewhere while we wait up to a year for a collection day. Then we have to drive for miles to drop them off and that's if we're even able to take the time off from work or other matters. If we're going to be serious about this problem, we need to make it easier for the public to deal with this problem. It's not fair for manufacturers to put their products in a box and dust off their hands and be done with it, heaping the responsibility of the waste they created on the individual or municipality. Why should it come out of our state or county budget or the hidden tax of landfilling and pollution? If there's a cost involved with recycling a broken machine, let that cost be reflected at the point of sale, so the consumer can see the truth before they buy.

SB-793

Submitted on: 2/6/2023 1:08:36 AM

Testimony for AEN on 2/6/2023 1:00:00 PM

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

Comments:

As an employee of Mr Ks Recycle & Redemption Center, I strongly oppose SB793. With act 151 just taking effect, it is too early to see if this law needs to be changed at all yet. For the past few years the e waste recycling program on Hawaii island has been cut off multiple times due to a lack of funds. Residents were left with no recycling program to responsibly dispose of their electronics so they ended up in the landfill, on the side of the road, or stockpiled until the program finally came back into effect. So far this year, because of the vastly improved funding provided in the new law, Mr. K's has recycled double the volume of e waste than we did this same time last year. This is due to us being able to collect e-waste for free everyday from residents, businesses, government entities, and non profits at our Hilo site. We are also working on getting a permanent site in Kona to provide e-waste collection on at least a monthly basis, but ideally on a weekly basis. What that shows is the e-waste is here waiting to be recycled and now the law allows a more consistent and reliable recycling program for Hawaii residents to do the right thing.

This new version of the law overall seems to lower annual recycling goals and incentivizes manufacturers to ignore the issue of recycling electronics on neighbor islands. Because transportation is more expensive on neighbor islands to get electronics to the mainland where they can actually be recycled, it would become easier for manufacturers to pay a fee instead of paying for recycling. If the penalty fees for Hawaii are higher than any other state, that would make sense because transportation is higher for Hawaii regardless of if it's to get things to or from our islands. But the biggest issue is the unclear wording of how recycling goals will be determined. Also, if desktop printers are included in SB793 there is no reason why floor standing printers shouldn't be included also.

If manufacturers have the liberty of selling electronics in Hawaii then they can also be held accountable and have a plan for how to effectively remove these electronics from our islands.

SB-793

Submitted on: 2/5/2023 12:12:42 PM

Testimony for AEN on 2/6/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ruta Jordans	Individual	Oppose	Written Testimony Only

Comments:

OPPOSE SB 793

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

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

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

SB-793

Submitted on: 2/5/2023 12:55:10 PM

Testimony for AEN on 2/6/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Linda Morgan	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB793.

We need to maximize recycling of electronic devices, not weaken Act 151 with this bill. If SB793 passes, our landfills will become full of electronic equipment that is full of toxic waste. Limiting the responsibility for recycling e-waste to TV manufacturers makes no sense.

Please do not pass SB793.

SB-793

Submitted on: 2/5/2023 2:33:34 PM

Testimony for AEN on 2/6/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Noel Morin	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Gabbard, Vice Chair Richards, and members of the Committee,

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

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

Sincerely,

Noel Morin

Hilo

SB-793

Submitted on: 2/5/2023 2:39:43 PM

Testimony for AEN on 2/6/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Kuzmier	Individual	Comments	Written Testimony Only

Comments:

Aloha, I am submitting testimony with regards to SB 793. I am hoping that any bill passed will make it easier for those items we use to be recycled without the cost being passed on to consumers. Much of our technology relies on mining from far away, and whatever can be done to reuse and reduce our footprint is good so that we do not deplete this beautiful earth. Mahalo for your consideration.

SB-793

Submitted on: 2/5/2023 4:36:42 PM

Testimony for AEN on 2/6/2023 1:00:00 PM

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

Comments:

To whom it may concern

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

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

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

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

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

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

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

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

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

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

SB-793

Submitted on: 2/5/2023 9:16:09 PM

Testimony for AEN on 2/6/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michele Mitsumori	Individual	Oppose	Written Testimony Only

Comments:

This bill significantly changes the method for determining recycling goals from a percentage of the weight of a **manufacturer's total sales** two years' prior, to a percentage of market share by weight multiplied by the **total recycled weight** of the previous year.

The lower the recycled weight, the lower a manufacturer's recycling goals the following year will be. With the tiered penalty approach weakening the current single-rate penalty, manufacturers can **systematically lower recycling goals** year by year.

Honolulu County has urban density and a waste-to-energy incinerator. Hawai`i County has a large, largely rural population and has to ship electronic waste to recyclers on the Mainland. By significantly weakening penalties through a tiered approach, this bill fails to consider the **higher costs of recycling on Neighbor Islands** like Hawai`i. The fourth tier is only \$0.50 per pound, which is **less** than the \$0.55 per pound charged to collect residential e-waste on Hawai`i Island last year.

I am a resident of Hawai`i County, where our County free residential electronic waste collection program had to close prematurely twice in three years due to lack of funds. I appreciate the cost of what it takes to responsibly recycle our electronics. **Act 151 has already had great success in recycling e-waste in just the short time it has been in action.** It is too soon to propose such sweeping changes to what looks like an effective and much-needed program.

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

SB-793

Submitted on: 2/5/2023 9:47:04 PM

Testimony for AEN on 2/6/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cheryl Ho	Individual	Oppose	Written Testimony Only

Comments:

I am strongly opposed to SB 793! I undoes the amazing achievements of last year's Act 151, which made recycling free for ALL device owners. SB793 incentivizes makers of televisions primarily, and dis-incentivizes makers of other devices from setting and achieving recycling goals. It also removes the convenience factor for those wishing to recycle on the Neighbor Islands.

I urge you to reject SB 793!!

Sincerely,

Cheryl O. Ho, Nu'uaniu

SB-793

Submitted on: 2/6/2023 4:07:45 AM

Testimony for AEN on 2/6/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Graham Hamilton	Individual	Oppose	Written Testimony Only

Comments:

SB 793 disproportionately shifts the cost of recycling all electronic devices to only television manufacturers.

Background:

1. Act 151 bases a manufacturer’s recycling goal on a set percentage of the weight of its electronic devices sold in the State two years’ prior.
2. SB 793 amends this to base recycling goals on the manufacturer’s overall “market share in the State.”
3. The bill defines “market share” as “the calculation of an electronic device manufacturer’s prior year’s sales of televisions divided by all the manufacturers’ prior year’s sales for all electronic devices”.
4. A manufacturer that sells only computers and printers, for example, would have no recycling goals because it doesn’t sell televisions.
5. The bill incentivizes manufacturers to reduce their recycling goals over time.
 1. The bill amends the basis of recycling goals to the manufacturer’s market share (see #1) multiplied by the “covered electronic device recycled by all electronic device manufacturers during the previous program year”.
 2. Because weight recycled is significantly lower than weight sold, this creates lower recycling goals.
 3. The lower the recycling weight, the lower the following year’s goals. Combined with a tiered structure that weakens penalties (see #4), this bill creates a system that incentives manufacturers to reduce recycling.

Weight not recycled will tend to end up in the landfill or the gully. This introduces toxic materials and plastics into the environment, and prevents the recovery of assets such as precious metals and reusable components.

The bill’s tiered penalties weaken incentives and fail to consider the higher costs of recycling for Neighbor Islands.

1. Background:
 1. Act 151 has an intentionally high penalty of \$1.50 for every pound below a manufacturer’s recycling goal.

2. SB 793 proposes penalty tiers of < 50% = \$1.50/pound, < 75% = \$1/pound, <90% = \$0.75/pound, and < 100% = \$0.50/pound.

O'ahu is a densely populated metropolis and the state capital. It also has a waste-to-energy incinerator. Neighbor islands face challenges such a lower population density, large geographic areas, or multiple islands. Hawai`i County has to ship to recyclers on the Mainland.

1. A penalty that is too low will incentivize manufacturers to pay the penalty rather than recycle on Neighbor Islands. This undermines the intent of the convenience requirement in Section 4, which mandates monthly collections (at minimum) at zip code areas with a population greater than 25,000. This, for example, mandates collections in Hilo and Kona in Hawai`i County.
1. Since desktop printers are covered, it seems inconsistent for SB 793 to exclude floor-standing printers, or printers with optional floor stands, from the definition of electronic devices eligible for recycling. Items should not be excluded based on their location.

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

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

SB-793

Submitted on: 2/6/2023 7:32:27 AM

Testimony for AEN on 2/6/2023 1:00:00 PM

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

Comments:

Hello,

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

I'm writing in STRONT OPPOSITION of SB793.

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

OPPOSE SB 793.

me ke aloha `āina,

Nanea Lo, Mō`ili`ili

SB-793

Submitted on: 2/6/2023 9:56:08 AM

Testimony for AEN on 2/6/2023 1:00:00 PM

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

Comments:

Dear Chair Gabbard, Vice Chair Richards and Committee Members,

The legislature passed amendments to the Electronic Device Recycling & Recovery law last session, and it has yet to be fully implemented, yet the industry is already proposing changes to the law to lower the incentives to achieve their current mandated recycling goals.

The law is having the intended effect; manufacturers have so far scheduled the minimum required monthly collection in Kona and provided more convenient collections in Hilo. Strong incentives will encourage manufacturers to maintain these convenient services.

We should wait to see how the fully implemented law affects electronics recycling quantities then evaluate whether changes are needed next year.

Thank you for your consideration.

SB-793

Submitted on: 2/6/2023 10:27:59 AM

Testimony for AEN on 2/6/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maurice Goulding	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

SB793 undermines Act 151. We need to keep more waste out of our landfills. SB793 is a big step backwards. I implore you to vote this legislation down in favor of what is right for our lands.

With aloha

Maurice Goulding