

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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**Testimony COMMENTING on SB2545  
RELATING TO RECYCLING**

SENATOR MIKE GABBARD, CHAIR  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Hearing Date: February 7, 2024

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 time to assess the impacts of the amendments made by the Legislature in 2022 to  
9 the Electronic Device Recycling and Recovery law before making additional changes. The full  
10 implementation of the 2022 amendments took effect on January 1, 2023, and manufacturer  
11 reports on the amounts of electronic devices collected for recycling or reuse are due by  
12 March 31, 2024. The Department would like time to evaluate the data and if any further changes  
13 are needed to improve electronics recycling in Hawaii.

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

16 In section 2 of the bill at page 3, lines 6-10, a definition of “market share” is added. As  
17 currently drafted, however, the calculation of a manufacturer’s “market share” would be based  
18 only on the electronic device manufacturer’s prior year’s sales of televisions, despite the  
19 inclusion in Chapter 339D, HRS, of computers, monitors, printers, and portable computers in  
20 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 **Offered Amendments:** None

11           Thank you for the opportunity to testify.

February 7, 2024

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

**Re: Support SB 2545 Relating to Recycling**

Dear Chair Gabbard:

On behalf of the Consumer Technology Association (CTA), thank you for the opportunity to provide comments in support of SB 2545. CTA is the trade association representing the U.S. consumer technology industry – including manufacturers of televisions and computer equipment who pay for the electronics recycling program which is the subject of this legislation. We also represent retailers of these and other consumer technology products.

Since enactment of the new electronics recycling law in 2022 (HB 1640, now Act 151), our member companies have stepped up collections of e-waste in Hawaii through a combination of new permanent drop-off sites and new collection events. Electronics manufacturers are now spending more than \$5 million annually in Hawaii to provide comprehensive collection and recycling services for scrap electronic devices.

However, we are very concerned about the escalating pound targets under the new law. Beginning in 2025 manufacturers will need to collect and recycle 70% of the weight of new products they put onto the market – up from 50% of pounds sold in 2023 and 60% of pounds sold in 2024. Simply put, there is not enough scrap electronics for every manufacturer to collect/recycle 70% of pounds sold into the market. This unreachable target will result in either manufacturers paying a \$1.50/pound shortfall fee (which is the highest shortfall fee ever implemented in the country), or in collectors/recyclers falsifying their manufacturer billing and state reports.<sup>1</sup> Neither of these results will serve to increase e-waste recycling nor collection convenience in the state.

**CTA recommends the committee consider the approach in [SB 3264](#) rather than the language in this bill, because it offers a win-win resolution to the unreachable target problem in the current law.** While the enactment of SB 2545 would address the pound target concerns, CTA has listened to concerns from other stakeholders about some of the

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

provisions in this bill (which is nearly identical to SB 793 heard last session). Currently there are only 11 ongoing “no-charge” drop off locations across all of Hawaii according to the Department of Health [program website](#). SB 3264 provides an alternative for companies who cannot reach the 70% pounds sold goal to instead comply by arranging for at least 25 no-charge drop off sites around the state. Under this alternative, every zip code with at least 25,000 residents would have free drop-off site options paid for 100% by our manufacturers – which is more than twice the collection opportunities currently available under the program. Thus SB 3264 would address both the concerns of industry in reaching the recycling targets, and greatly expand the free collection of electronics in Hawaii.

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



**TESTIMONY OF TINA YAMAKI, PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
February 7, 2024  
Re: SB 2545 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 support the intent of SB 2545. This measure 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.

**We suggest that the bill be amended to have the target goals based on the market share and NOT pounds as well as reducing the penalty fee and tiering it based on percentage of the market share that is goal met.**

**Electronics over the years have been changing and becoming much lighter.** We are seeing more and more newer electronic products being a lot lighter in weight 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.

**The penalty fee of \$1.50 per pound is 3X 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 throughout Hawaii.

We must be mindful that **additional costs and unavoidable penalties incurred with the current E-Waste program will make electronics in Hawaii significantly more expensive to consumers with the implementation of last year's law.** The manufacturers will pass these costs down to the distributor who will pass it on to the retailers and retailers will pass it on to the consumers, thus making electronic items significantly more expensive than they already are. We must also mention that because electronic

products are NOT manufactured in the state of Hawaii and therefore must be shipped to distributors and retailers. Unlike on mainland, Hawaii can NOT truck out or use rail for these E-Waste items to be transported to nearby recycling facilities or neighboring states that do; and 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 extensive shipping cost increase for products coming in and out of Hawaii. This includes not only to and from the State, but also to and from our neighbor islands as well.

**We believe that the unreachable targets will only result in manufacturers paying exorbitant penalty fees into the Department of Health's E-waste special fund.** This fund does not identify what the monies are to be used for nor does it allow manufacturers to use those funds to invest in more e-waste collection sites as is provided for by the new law.

The cost of electronic items will escalate in the coming year for consumers and manufacturers, based on the unreachable escalating annual targets set in the law. **In the end, it will be the consumer paying the higher price for the electronic goods and continue to make Hawaii an even more expensive places to live.**

Mahalo again for this opportunity to testify.



## Mr. K's Recycle and Redemption Center

815 Kinoole St., Hilo, HI 96720 · [www.mrksrecyclehawaii.com](http://www.mrksrecyclehawaii.com)  
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TO: Committee on Agriculture and Environment  
Chair Sen. Mike Gabbard, Vice Chair Sen. Herbert M. “Tim” Richards, III, and  
Committee Members

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

DATE: February 6, 2024

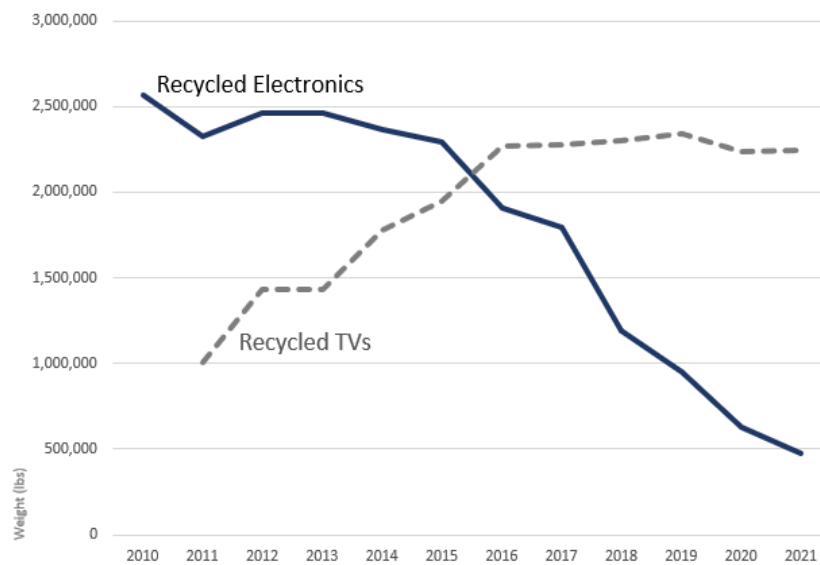
RE: SB 2545 Relating to Recycling

Mr. K’s Recycle and Redemption Center has served as Hawai‘i County’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 2545**, which 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, 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 2545 **disproportionately shifts the cost** of recycling all electronic devices to only television manufacturers.
  - a) The bill seeks to amend manufacturer recycling goals by basing them upon “the manufacturer’s overall market share in the State.”
  - b) 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).
  - c) Manufacturers of non-TV electronic devices will essentially have **no** recycling goals, as their market share is **excluded** from the recycling goal calculation.
  - d) The history of the Electronic Device Recycling and Recovery Act, which originally set recycling goals **only** for TVs, illustrates the need for effective recycling goals and incentives: recycling of TVs increased strongly and then held steady, while **recycling of electronic devices plummeted** at a rate that cannot be attributed solely to the decrease in device weight.

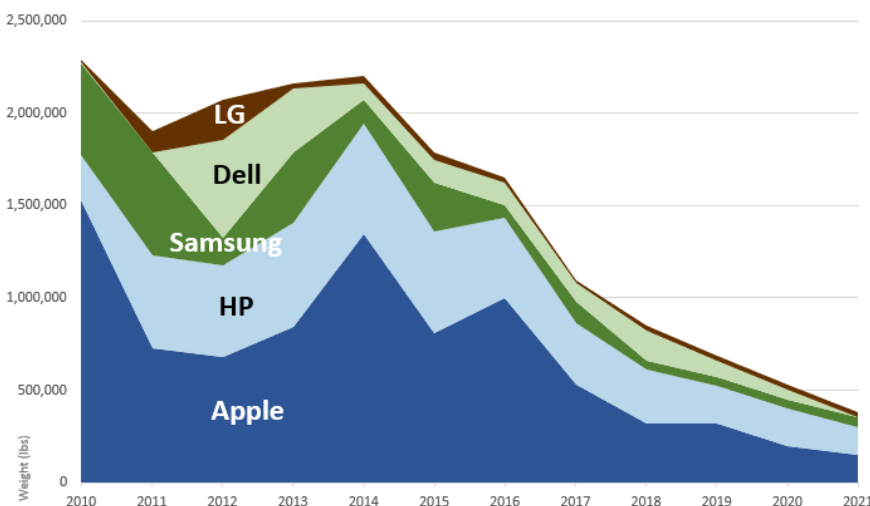
Electronics recycling weight in Hawai'i  
**dropped 80% over 6 years (2015 to 2021).**



Source: State of Hawaii Department of Health

According to Department of Health (DOH) 2022 testimony, this decline is partly related to whether individual manufacturers have their own recycling targets. **Apple and HP together accounted for 72% of all recycled electronic device weight from 2010 - 2021 because they set their own recycling targets.** Dell did not. (See chart below of the top 5 manufacturers by electronics-only weight recycled.)

Apple and HP together account for **72%**  
of all recycled electronic device weight from 2010 - 2021.



Source: State of Hawaii Department of Health



Further, few recycle brand new devices. Electronics that are recycled are typically a few years old, although Mr. K’s has received devices that were hoarded and can be over 10 years old. **If devices are getting lighter, then old, recycled devices will be significantly heavier than devices sold in the current year.**

- e) SB 2545 contends that, under the current recycling program, there is “no realistic way for manufacturers to meet their goals, even with increased device collection programs, because weights for electronic devices have collectively become lighter over time.”

DOH data for 2021 – two years prior to Act 151 taking effect – shows that the top 12 manufacturers by total weight sold (TVs and electronic devices) were **already recycling 34% of their total weight sold that year.** These 12 manufacturers collectively represent 84% of all weight sold in 2021 (8,619,854 lbs.) by manufacturers registered with the DOH. Four (4) met or exceeded 50% of 2021 total weight sold, their 2023 recycling goal, while 3 recycled at a rate near 0%. This variation does not seem attributable to decreased device weight.

**Top 12 Manufacturers Collectively Recycled 34% of Their Weight Sold in 2021**

	Manufacturer	% Recycled	Total Weight Sold*	Total Weight Recycled	Recycled Weight - TVs	Recycled Weight - Elec. Devices
1	Samsung Electronics ...	38%	1,918,752	722,393	672,393	50,000
2	LG Electronics USA, Inc.	22%	1,345,770	297,261	270,237	27,024
3	<b>TTE Technology, Inc.</b>	<b>64%</b>	570,872	365,637	365,637	
4	Dell Marketing LP	0%	522,958	2,080		2,080
5	Hisense USA	43%	505,546	216,785	216,785	
6	<b>VIZIO, Inc.</b>	<b>70%</b>	462,006	324,536	324,536	
7	Best Buy	35%	440,678	152,921	152,921	
8	Sony Electronics	18%	374,672	67,625	67,625	
9	<b>Apple Inc.</b>	<b>50%</b>	304,090	151,429		151,429
10	Canon U.S.A., Inc.	0%	258,744	1,200		1,200
11	<b>HP Inc.</b>	<b>59%</b>	254,070	150,328		150,328
12	Epson America, Inc.	0%	246,890	513		513
	<b>Total</b>		<b>7,205,048</b>	<b>2,452,708</b>	<b>2,070,134</b>	<b>382,574</b>
	<b>Total % Recycled</b>	<b>34%</b>				

Source: State of Hawai'i Dept. of Health

\* 2021 Total Weight Sold is calculated from 2023 Recycling Target Goals, which is 50% of 2021 total weight sold. All weight is listed in pounds.

- f) Manufacturers are already collaborating to collect recycling weight and collectively meet their recycling targets.
- 2) SB 2545 creates a mechanism to incentivize manufacturers to **reduce** recycling goals over time.
- a) Act 151 bases a manufacturer’s recycling targets on a percentage of the weight of eligible electronic devices **sold** by the manufacturer in the state two years prior.

- b) In Section 5(b), SB 2545 changes the basis of the recycling goals to the manufacturer's "market share" (as defined above) multiplied by 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 significantly **lowers** recycling goals.
  - d) Further, the **less** manufacturers recycle, the **lower** their recycling goal the subsequent year will be. Thus, SB 2545 **disincentives** recycling.
- 3) SB 2545 fails to consider the **higher costs of recycling for Neighbor Islands**.
- a) O'ahu has a metropolitan hub and the H-POWER 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 third tier shortfall penalty of \$0.75 per pound is **lower** than the \$0.95 per pound fee charged by Mr. K's in 2022 just to collect non-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 collections at no cost to device owners in at least two locations (Hilo and Kona) here in Hawai'i County.
- 4) Since desktop printers are covered, SB 2545's proposed **exclusion of floor-standing printers, or printers with optional floor stands**, seems to lack justification.
- a) Other excluded items are clearly distinct categories, such as electronic devices that are components of motor vehicles, equipment, appliances or telephones. In contrast, these printers appear to be excluded from the definition of "electronic devices" based on their location and size.

The Department of Health will release its report on the first year (2023) of the amended program later this year. Any program bringing meaningful change involves time and start-up costs.

**We respectfully request that the Legislature allow at least two years of data collection before making additional changes.**

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 2545**.

**SB-2545**

Submitted on: 2/5/2024 11:13:15 AM

Testimony for AEN on 2/7/2024 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:

My name is Claire Cea and I am a secretary at Mr. K's Recycle & Redemption Center, the only e-waste collector for Big Island. **I strongly oppose the changes proposed in SB 2545** for the following reasons:

- If the recycler's market share is to be based on television sales, this excludes some of the biggest electronics companies from having any obligation to recycle what they sell in the state. Instead, this unfairly shifts the responsibility to TV manufacturers to support the recycling program in Hawaii while computer and other electronic manufacturers are left without any obligations. This is supposed to be the **Electronic Device Recycling and Recovery Act** which was implemented to replace the TV Recycling Act. It is a step backwards to shift the requirements of ewaste collection back to the TV manufacturers.
- Floorstanding printers should be covered in the Electronic Device Recycling and Recovery Act because they have the same functions as a desktop printer, the only difference being their size. If manufacturers are worried about meeting obligations, it doesn't make sense to eliminate one of the heaviest items that we collect as a part of the e-waste program. Every school has at least one floor standing printer, almost every state office has one, most private commercial businesses have one because a floor standing printer can handle the capacity of printing/scanning they need to do so having a desktop printer wouldn't be sufficient for their operations. I'm sure these organizations would like the opportunity to responsibly dispose of the floor standing printers they implement and to exclude these from the law is arbitrary and detrimental to the environment.
- The penalty rates for the higher percentage of weight met could undermine the purpose of this bill to incentivize manufacturers to actively collect electronics from the State of Hawaii. If the cost to recycle is higher than the penalties imposed, then there is no reason for companies to recycle other than ethics and environmental conscientiousness. It would make more sense for there to be one penalty fee and the closer manufacturers get to their obligations, the less they'll have to pay without having to change the penalty rate. With a

tiered penalty rate system, it creates a loophole for manufacturers to avoid actively collecting electronics to be recycled.

- An additional note is if manufacturers are concerned with meeting their obligations, then the law should include phones and peripherals, such as keyboards, mice, routers, audio/video equipment, power supplies, and other components that are manufactured by most of the same companies already obligated to collecting ewaste under the current electronics recycling law. At Mr. K's we collect all these items to be recycled because they don't belong in the landfill so the recyclers we use already have the capacity to recycle these additional components, some of which are necessary to for computers and TVs to serve their full functionalities.

Thank you for the opportunity to submit testimony for this bill.

Aloha, my name is Dale Kuamoo. I am currently an IT Technician & Sales Associate at Mr. K's Recycle and Redemption Center (*Mr. K's*) in Hilo. After reading S.B. 2545, I strongly oppose the changes that passing this bill will put into effect.

- One of the changes that would be counterproductive, omitting **Floor Standing Printers**, (as an IT Technician at *Mr. K's*, one of my duties is to take in e-waste; both commercial and residential). **Floor Standing Printers** are one of our biggest commercial drop offs for e-waste; from schools, to County/State Offices, and Hospitals, to name a few. Another change that I feel will have negative effects is no longer including **Phones**, many businesses/organizations drop off their office phones as e-waste to *Mr. K's* whether they are upgrading or switching to a different format of communication, I cannot say for sure. However, not accepting **Mobile Phones** could have catastrophic effects on the environment. Imagine mobile phones going into landfills or being discarded on sides of the road, getting rained on and/or accidentally punctured; that's hazardous fumes released into the environment and also could cause calamitous fires throughout subdivisions. In addition, I also hope (if not already included) that peripherals such as keyboards, mice, networking components (switches, routers, Aps, etc.), UPS Battery Back-Ups, and Audio/Video Equipment/Components be accepted or (continually accepted) as e-waste because these devices have no business being thrown into landfills.
- I feel only holding Television Manufacturers responsible is unreasonable. At *Mr. K's*, it's true, we do see a lot of televisions being dropped off for e-waste. However, we also see printers, computers, and other electronics from various manufacturers. I feel those companies that manufactured those printers, computers, and electronics should be held responsible to recycle what they sell.
- The penalties that are being adjusted could deter manufacturers from recycling, as it could become a more severe hit to the pocket to recycle than to pay penalties. Hence, manufactures would lean towards paying penalties. I also feel that having penalties based on weight has too many variable factors: for example: *I purchase a Vizio Television from Walmart, I take really good care of it, and it doesn't die or need to be recycled for three years from purchase date.* Is it fair to penalize Vizio because my television didn't break or need to be recycled when it was expected to? Which then opens a can of worms, because then I could be led to believe that Vizio or any other electronic manufacture will build their products poorly to make sure it needs recycling within a year or two; and more to the point, I will need to buy another product in a year or two. Side Note: I still have a Dell laptop from 2017, aside from missing an 'n' key, it works fine and definitely doesn't need recycling. Also if I choose to buy a product during Black Friday, (when companies are getting rid of old stock) I could be buying electronics more than two years old. (Which is how I got a 2017 Dell laptop in 2019.)

**SB-2545**

Submitted on: 2/6/2024 9:56:46 AM

Testimony for AEN on 2/7/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Christopher Dean	Testifying for Recycle Hawaii, Clean The Pacific	Oppose	Written Testimony Only

Comments:

I OPPOSE SB 2454 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 2545 disproportionately shifts the cost of recycling all electronic devices to only television manufacturers.
  1. The bill seeks to amend manufacturer recycling goals by basing them upon “the manufacturer’s overall market share in the State.”
  2. 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).
  3. Manufacturers of non-TV electronic devices will essentially have no recycling goals, as their market share is excluded from the recycling goal calculation. Only manufacturers of TVs will pay for the recycling of all electronic devices.
  4. SB 2545 contends that, under the current recycling program, there is “no realistic way for manufacturers to meet their goals, even with increased device collection programs, because weights for electronic devices have collectively become lighter over time.” Yet most people and organizations recycle their electronic devices several years after purchasing them, as devices become outdated or cease to function. If new devices are getting lighter, then older recycled devices will be significantly heavier than devices sold in the current year.
  5. Manufacturers are already collaborating to collect recycling weight and collectively meet their recycling targets.
1. SB 2545 creates a mechanism to incentivize manufacturers to reduce recycling goals over time.
  1. Act 151 bases a manufacturer’s recycling targets on a percentage of the weight of eligible electronic devices sold by the manufacturer in the state two years prior.
  2. In Section 5(b), SB 2545 changes the basis of the recycling goals to the manufacturer’s “market share” (as defined above) multiplied by the “covered electronic device recycled by all electronic device manufacturers during the previous program year” (emphasis added).

3. Because weight recycled is lower than weight sold, this significantly lowers recycling goals.
  4. Further, the less manufacturers recycle, the lower their recycling goal the subsequent year will be. Thus, SB 2545 disincentives recycling.
2. SB 2545 fails to consider the higher costs of recycling for Neighbor Islands.
    1. O‘ahu has a metropolitan hub and the H-POWER incinerator. Neighbor Islands have large rural areas, lower volume, and added expenses such as inter-island shipping.
    2. A penalty that is too low will incentivize manufacturers to pay the penalty rather than recycle on Neighbor Islands. This undermines the intent of Act 151’s convenience requirement.
  3. Since desktop printers are covered, SB 2545’s proposed exclusion of floor-standing printers, or printers with optional floor stands, seems to lack justification.
    1. Other excluded items are clearly distinct categories, such as electronic devices that are components of motor vehicles, equipment, appliances or telephones. In contrast, these printers appear to be excluded from the definition of “electronic devices” based on their location alone.

The Department of Health will release its report on the first year (2023) of the amended program later this year. Any program bringing meaningful change involves time and start-up costs.

I respectfully request that the Legislature allow at least two years of data collection before making additional changes.

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 2545.

**SB-2545**

Submitted on: 2/6/2024 12:00:25 PM

Testimony for AEN on 2/7/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Christina Denny	Individual	Oppose	Written Testimony Only

Comments:

To: Committee on Agriculture and Environment

Chair Sen. Mike Gabbard, Vice Chair Sen. Herbert M. “Tim” Richards, III, and Committee Members

From: Christina Denny, A concerned citizen residing

Date: February 6th, 2024

Re: SB 2545 Relating to Recycling

Aloha, my name is Christina Denny and I reside in Hilo, Hawaii. I am **opposed** to the amendments in SB 2545.

I oppose the amendments in SB 2545 because the changes appear to be in favor of the manufacturers and not for benefit of our islands. On the Island of Hawai’i, Mr. K’s Recycle and Redemption is the only place that collects electronics to be recycled. They mainly service Hilo, but I know they travel island wide for pickups and have been increasing collections on the West side of the Island. If you bring in any electronics to their collection sites, then it will be free of charge for the resident to drop off for recycling.

The amendments in SB 2545 will benefit the manufacturers by reducing the penalties they will pay if they do not meet the weight requirement set by the amount of the electronic devices sold two years prior in the state. If the manufacturers are struggling to meet their weight requirements, which they have not been collecting long enough to understand if goals can be achieved, it does not make sense to exclude floor standing printers. They operate the way any printer does. The manufacturers that make the profit from selling those on our islands should be held accountable for responsibly recycling them off our Island’s. Otherwise, they will end up in the landfill, leaching toxic chemicals and filling up our last remaining landfill.

In closing, please consider what would best benefit our Islands and at least delay the amendments to SB 2545 until more information is available.



Christina Denny

**SB-2545**

Submitted on: 2/6/2024 12:07:40 AM

Testimony for AEN on 2/7/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michele Mitsumori	Individual	Oppose	Written Testimony Only

Comments:

Aloha Honorable Chair Sen. Mike Gabbard, Vice Chair Sen. Tim Richards, and Members of the Agriculture and Environment Committee,

My name is Michele Mitsumori, and I am a resident of Hilo on Hawai'i Island.

I'm writing to OPPOSE SB 2545, which proposes significant amendments to the Act 151, the Electronic Device Recycling and Recovery Act which was implemented just last year. Because of this act, in 2023 we have seen on Hawai'i Island:

- Expansion of electronic device collection services in West Hawai'i, from irregular monthly collection events to now twice a week, and finally after several years, a collection event in Waimea.
- In the past, businesses, nonprofits, schools and government agencies had to pay to recycle; free (subsidized) collection events happened infrequently at short notice, had limited capacity, and were usually only in Hilo. Now there is collection at no cost every weekday in Hilo, and twice a week in West Hawai'i.
- Mr. K's Recycle and Redemption Center has reported a 41% increase in recycled weight collected in 2023, compared to 2022.
- Floor-standing printers can weigh 600 pounds. Including them has saved local businesses and organizations hundreds of dollars per printer.

SB 2545 contends that, because manufacturers "struggle" to meet recycling targets based on a percentage of the sales by weight two years prior, drastic amendments need to be made to Act 151. These amendments should be opposed because:

- The proposed penalty tiers go as low as \$0.50/lb, which disincentivizes recycling because it is cheaper for manufacturers to pay the penalty than to support recycling on Hawai'i Island. This goes against the convenience requirement in Act 151, meant to ensure equity for Neighbor Islands compared to metropolitan Honolulu County.
- SB2545 bases manufacturer recycling goals on a multiplier of the weight recycled the prior year. This disincentivizes recycling, because the lower the recycled weight, the

lower the recycling goal the following year.

- SB2545 excludes floor-standing printers, while covering desktop printers. There is no reason to exclude them, unlike other excluded items that are clearly distinct, such as electronic devices that are components of motor vehicles, telephones, or appliances.

The Electronic Device Recycling and Recovery Act has expanded collection locations and services, increased electronic device recycling, and brought significant cost savings to Hawai'i County. There has been no concrete data to justify these drastic amendments to a program that has measurably improved conditions on our island.

I respectfully request that the Legislature not implement any amendments to Act 151 until there has been more time to assess its performance and review actual data.

Mahalo for this opportunity to testify in opposition to SB 2545.

**SB-2545**

Submitted on: 2/6/2024 2:26:03 PM

Testimony for AEN on 2/7/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Momi Nuuhiwa	Individual	Oppose	Written Testimony Only

Comments:

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

RE: SB 2545 Relating to Recycling

Aloha, my name is Momi Nuuhiwa and I am a resident of Hilo.

We as an island state continue to struggle with the challenge of responsibly reducing, reusing and recycling our waste. Act 151, the Electronic Device Recycling and Recovery Act passed in 2022, has already had a meaningful impact in removing barriers to the recycling of electronic devices and increasing recycling. It has saved Hawai‘i residents, businesses and organizations including schools and government agencies, hundreds of thousands of dollars in recycling fees.

SB 2545 proposes broad and deep amendments to how recycling goals and incentives are determined, and to how sales data for determining recycling goals are collected. Given the clear positive impact of Act 151, it is too soon for such drastic changes, especially in the absence of data.

I OPPOSE SB 2454 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 2545 disproportionately shifts the cost of recycling all electronic devices to only television manufacturers.
  1. The bill seeks to amend manufacturer recycling goals by basing them upon “the manufacturer’s overall market share in the State.”
  2. 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).
  3. Manufacturers of non-TV electronic devices will essentially have no recycling goals, as their market share is excluded from the recycling goal calculation. Only manufacturers of TVs will pay for the recycling of all electronic devices.

4. SB 2545 contends that, under the current recycling program, there is “no realistic way for manufacturers to meet their goals, even with increased device collection programs, because weights for electronic devices have collectively become lighter over time.” Yet most people and organizations recycle their electronic devices several years after purchasing them, as devices become outdated or cease to function. If new devices are getting lighter, then older recycled devices will be significantly heavier than devices sold in the current year.
  5. Manufacturers are already collaborating to collect recycling weight and collectively meet their recycling targets.
1. SB 2545 creates a mechanism to incentivize manufacturers to reduce recycling goals over time.
    1. Act 151 bases a manufacturer’s recycling targets on a percentage of the weight of eligible electronic devices sold by the manufacturer in the state two years prior.
    2. In Section 5(b), SB 2545 changes the basis of the recycling goals to the manufacturer’s “market share” (as defined above) multiplied by the “covered electronic device recycled by all electronic device manufacturers during the previous program year” (emphasis added).
    3. Because weight recycled is lower than weight sold, this significantly lowers recycling goals.
    4. Further, the less manufacturers recycle, the lower their recycling goal the subsequent year will be. Thus, SB 2545 disincentivizes recycling.
  2. SB 2545 fails to consider the higher costs of recycling for Neighbor Islands.
    1. O’ahu has a metropolitan hub and the H-POWER incinerator. Neighbor Islands have large rural areas, lower volume, and added expenses such as inter-island shipping.
    2. A penalty that is too low will incentivize manufacturers to pay the penalty rather than recycle on Neighbor Islands. This undermines the intent of Act 151’s convenience requirement.
  3. Since desktop printers are covered, SB 2545’s proposed exclusion of floor-standing printers, or printers with optional floor stands, seems to lack justification.
    1. Other excluded items are clearly distinct categories, such as electronic devices that are components of motor vehicles, equipment, appliances or telephones. In contrast, these printers appear to be excluded from the definition of “electronic devices” based on their location alone.

The Department of Health will release its report on the first year (2023) of the amended program later this year. Any program bringing meaningful change involves time and start-up costs.

I respectfully request that the Legislature allow at least two years of data collection before making additional changes.

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 2545.

Momi Nuuhiwa

**SB-2545**

Submitted on: 2/6/2024 11:02:45 AM

Testimony for AEN on 2/7/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jim Scancella	Individual	Oppose	Written Testimony Only

Comments:

Please know that I oppose 'bill' for several reasons.

Jim