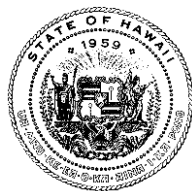


NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

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

**LATE**

In reply, please refer to:  
File:

**SENATE COMMITTEE ON WAYS & MEANS**

**S.B. 1135, S.D. 1, RELATING TO RECYCLING**

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

**February 22, 2013  
9:00 a.m.**

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

2 **Fiscal Implications:** Undetermined.

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

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

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

14 This bill proposes changes that will strengthen the existing program in two ways. First,  
15 establishing convenience requirements for manufacturer's recycling programs will make it easier for

*Promoting Lifelong Health & Wellness*

1 Hawaii consumers to recycle their electronics or televisions. The existing law has allowed many  
2 manufacturers to sponsor inconvenient programs such as those requiring the public to mail back items to  
3 be recycled.

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

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

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

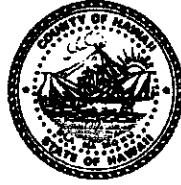
16 Our goal is to create social and physical environments that promote and support good health for  
17 all.

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

19  
20  
21  
22

William P. Kenoi  
Mayor

Walter K.M. Lau  
Managing Director



Dora Beck, P.E.  
Acting Director

**County of Hawai'i**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
25 Aupuni Street · Hilo, Hawai'i 96720-4224  
(808) 961-8083 · Fax (808) 961-8086  
cohdem@co.hawaii.hi.us

February 21, 2013

**COMMITTEE ON WAYS AND MEANS**

Senator David Y. Ige, Chair  
Senator Michelle N. Kidani, Vice Chair  
Hawai'i State Capitol  
Honolulu, Hawai'i 96813

**HEARING DATE:**

DATE: Friday, February 22, 2013  
TIME: 9:00 a.m.  
PLACE: Conference Room 211, State Capitol, 415 South Beretania Street, Honolulu

**Re: Testimony in "Conditional" Support of Senate Bill 1135, Amends and Expands the Electronic Device and Television Recycling program**

Dear Senators Ige, Kidani and Committee Members,

The County of Hawai'i Department of Environmental Management is pleased to submit testimony in **"conditional" support of the SB 1135** which proposes amendments to the existing Hawai'i Electronic Waste & Television Recycling and Recovery Law passed in 2008 and implemented in January 2010. The condition is to remove the proposed amendments that provide the option for manufacturers to join a "Representative Organization" to avoid the \$5,000.00 annual registration fee.

The County suggests a "tiered" fee system that lowers the annual fees for smaller manufacturers and increases them for the larger ones. Avoidance of annual registration fees results in less funding for other programs within the State. For example, this could result in underfunding such that the State Department of Health will not be able to ensure that manufacturers on all the islands are in compliance with the law. There is also concern that avoidance of annual registration fees could negatively impact the County's receipt of State grant funds for their electronic collections program. This County received \$100,000 in State grant funds to assist the electronics collection events. Without sufficient funds from the manufacturers through registration fees, it would seem that such programs will suffer.

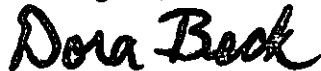
The amendments proposed in the original version resolved most of the concerns that the County of Hawai'i have been communicating for the past several years and most recently during discussions at

task force meetings with the State Department of Health. These amendments share the responsibility of recycling between manufacturers and the Counties or general taxpayers.

Some of the manufacturers and their representatives have claimed that the cost of recycling electronics will add to the cost of purchasing electronics. Currently, taxpayers fund the clean-up of illegal dumping and the cost of landfills. It would seem reasonable that a person or business that has the ability to purchase new electronics and receive the benefits of such would also be able to afford to pay for the proper recycling and disposal. Recycling and disposal costs should be distributed in a fair and equitable fashion. Two (2) businesses in our County that were collecting and recycling electronics have gone out of business due to reasons attributed to lack of sufficient financial support from manufacturers.

Thank you for considering this testimony.

Best Regards,

A handwritten signature in black ink that reads "Dora Beck". The signature is written in a cursive, flowing style.

Dora Beck, P.E.  
ACTING DIRECTOR

cc: Mayor William Kenoi  
Kevin Dayton, Executive Assistant, Mayor's Office  
Greg Goodale, Hawai'i County Solid Waste Division Chief  
Linda Peters, Hawai'i County Recycling Coordinator

February 21, 2013

Senate Ways and Means Committee  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

RE: SB 1135 - Oppose unless Amended

Dear Senators,

I am writing to inform you of Apple's continued concern with SB 1135. As you may know, Apple has been the leading recycling partner in Hawaii for many years. Over the last 3 years, Apple has recycled over 3.8 million pounds of electronic waste in the state. We started our program in partnership with the University of Hawaii, the Community Colleges and others, before any state recycling laws were in place, and worked closely with the Legislature in crafting the current program that promotes and encourages electronics recycling in Hawaii while allowing companies flexibility in their operations.

We are proud to continue to be the electronics recycling leader in Hawaii, and have concerns that the language in SB 1135 would have the unintended consequences that would not reward the recycling practices the state most wants to support. Also, the proposed recycling regime will impose unnecessary costs on manufacturer electronics collection programs.

### **Reuse should be eliminated from SB 1135**

The bill's exemption for reuse would distort all reporting and take away from the goal of actually getting products properly recycled. Each of those devices will end up in the waste stream at some point. Allowing manufacturers to subtract reused devices from their true marketshare significantly undercounts the amount of devices being placed into the stream of commerce and distorts manufacturer take back obligations. Thus, rewarding businesses that have a significant reselling market while penalizing those who may actually be doing more real recycling.

### **Market share should be based upon national numbers**

Apple is concerned about how market share will be determined. Other states have occasionally utilized sources for market share data that give extremely skewed numbers. Reliance on manufacturer reporting of weight sold into a state has also proven problematic in the past and results in higher targets unfairly being attributed to those who provide accurate information. This is because many companies sell through resellers and have no accurate data about how much of their products are actually sold in Hawaii. This leads to significant undercounting of obligations, and would result in companies falsely appearing to have a

stronger recycling program than they do. Currently, Hawaii just lists total weight recycled, which is a much clearer metric to compare the various programs. To the extent Hawaii needs to determine a “share”, Apple suggests that the State use IDC data for determining market share using national numbers and dividing by population.

### **Geographic requirements need clarification**

Apple’s current voluntary program reaches across the islands to each major county. Under SB 1135, the geographic requirements in the bill appear unclear and potentially unworkable. Requiring all manufacturers to set up quarterly collection in every county in the state (including a county as small as Kalawao) is inefficient and costly. Additionally, the language focusing on population centers over 25,000 people is unnecessary. Assuming that all manufacturers are required to collect weight in Hawaii, they will do so wherever that weight is available in sufficient quantities. Having a flexible system will allow greatest collection without undue costs, and if an area remains underserved, then future legislation can work to address that.

### **Increasing in state recycling**

One request we would make is that the bill allow companies to break down electronics for their materials. Currently, Hawaii does not allow electronics to be disassembled to their component materials (glass, metal, plastics, etc.) to be shipped back to manufacturers for use in new products. Rather the disassembly has to happen off island. This change would allow companies like Apple to hire local workers to perform this task and help components get put back into new products more efficiently.

Please feel free to reach out to me with any questions about Apple’s current recycling program or our concerns with the bill at [foulkes@apple.com](mailto:foulkes@apple.com) or call me directly at 408-974-2503.

Very truly yours,

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

February 21, 2013

**TO:** Members of the Senate Ways and Means Committee

**RE: Hawaii Senate Bill 1135 SD1: Electronic Device Recycling Act  
OPPOSE**

The Technology Association of America (TechAmerica) must respectfully **OPPOSE SB 1135 SD1**, which would create an unduly burdensome electronic device recycling program in Hawaii. While we appreciate and support the effective management of electronic waste, we do not believe that this bill represents an efficient or practical approach to achieving such ends. We would suggest that instead of pursuing such a significant rewrite of Hawaii's existing e-waste law, that a more nuanced approach could be undertaken to refine the current law where necessary and achieve the meaningful gains in recycling that all stakeholders desire.

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

We appreciate the hard work undertaken by the Department of Health and the Electric Device Recycling Task Force over the last year to examine the issue of electric device recycling in Hawaii. We believed last year – as we believe today – that input from the industries experienced in electronic recycling throughout the United States and internationally would be key to crafting a workable approach in Hawaii. Many of our member companies participated directly on the Task Force and worked diligently to provide the Department with meaningful and constructive feedback on how an electronic recycling program might be designed to not only maximize collection, but in a way that was feasible and cost-effective for the technology industry. Unfortunately, despite the best efforts of tech industry stakeholders and the Department, SB 1135 SD1 does not represent that solution and instead contains numerous provisions that are of concern to our members.

First, the definition of a “covered electronic device” is ambiguous and overly broad. The definition essentially captures all “electronic equipment”, and then describes examples of that equipment as televisions, computers, their peripherals, and other “similar devices.” This definition as a whole makes it unclear what devices are or are not covered by the law. This uncertainty is unnecessary and would be problematic for companies attempting to be in compliance with the law.

Second, the convenient collection and collection rate requirements in the bill are also extremely problematic. The convenient collection requirement in the bill based on geography and population

is an unnecessary and arbitrary mandate. Companies should instead be given the flexibility to provide for collection at the locations they determine will lead to the greatest rates of recycling. Additionally, the ever-increasing collection rate requirements imposed on manufacturers puts companies in an undesirable position of having to comply with a mandate that may be impossible to achieve. Not only are such collection requirements significantly dependent upon consumer behavior, but at any given time, there may not actually be enough electronic devices available for recycling in Hawaii for a manufacturer to achieve its recycling obligation. Thus, manufacturers may be faced with a collection requirement that, despite their best efforts, cannot be met, which would then subject them to financial penalties.

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

For these and other reasons, TechAmerica must respectfully **OPPOSE SB 1135 SD1**. If you have any questions, I can be reached at (916) 443-9088 or [robert.callahan@techamerica.org](mailto:robert.callahan@techamerica.org).

Sincerely,



Robert Callahan  
Director, State Government Affairs  
California & Hawaii

cc: The Honorable Donna Mercado Kim, Hawaii State Senate





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

February 22, 2013

TO: Senate Committee on Ways and Means  
TIME: 9:00 AM  
PLACE: Conference Room 016  
Hawaii State Capitol  
415 S. Beretania St.

RE: SENATE BILL 1135, SD 1 RELATING TO RECYCLING

Chair Ige, Vice Chair Kidani and members of the Committee,

We appreciate the opportunity to testify on Senate Bill 1135, SD 1, relating to recycling. Although we opposed an earlier version of this bill, the current version substantively addresses our concerns.

We offer the following comments:

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

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

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

**Makita U.S.A., Inc.**

**Stanley Black & Decker, Inc.**

(DeWalt, Porter Cable, Black & Decker)

**Robert Bosch Tool Corporation**

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

**Techtronic Industries Company**

(Milwaukee Electric Tool and Ryobi Tools)