



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

Testimony in OPPOSITION to HB1576
RELATING TO SOLID WASTE

REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION
Hearing Date: January 31, 2019 Room Number: 325

1 **Fiscal Implications:** Unknown.

2 **Department Testimony:** The Department of Health (Department) opposes this measure for
3 three primary reasons. First, this measure removes small sealed lead-acid batteries from the
4 current landfill prohibition in §342I-1, Hawaii Revised Statutes (HRS) [Sec. 3, addition of
5 §342I-1(c), HRS]. The Legislature instituted a landfill ban for all lead-acid batteries in 1989
6 and the Department is unaware of any difficulties since that time in complying with the
7 prohibition, including for small batteries. In addition, it is not clear from the way the bill is
8 currently written exactly what is meant by a “small sealed lead acid battery.”

9 Second, this measure requires the Department to “expand its current recycling
10 operations” to accommodate the recycling of batteries [Sec. 4(a) and (b)]. The Department does
11 not run recycling operations; rather, the Department is the regulatory authority that oversees
12 recycling facilities within the State. All existing battery collection facilities are operated by
13 private businesses and the counties. To preserve the integrity of its regulatory function, the
14 Department should not operate recycling facilities.

15 Lastly, the bill does not make a distinction between individuals/households and
16 businesses as “consumers.” Existing regulations, and therefore existing recycling programs, treat
17 household-generated and business-generated batteries differently. Some waste batteries
18 generated by businesses are regulated as hazardous waste under chapters 11-260.1 to 11-279.1,
19 Hawaii Administrative Rules (HAR). Businesses generating over 100 kg of hazardous waste in a
20 calendar month must manage their batteries either as universal waste—with mandated

1 recycling—or as fully regulated hazardous waste, which must be sent to a permitted hazardous
2 waste treatment, storage, and disposal facility. If the batteries are disposed of rather than
3 recycled as universal waste, their shipment requires a uniform hazardous waste manifest, which
4 is used to track hazardous waste from cradle to grave.

5 There are existing options for recycling household waste batteries. Each of the counties
6 accept hazardous waste generated by households only—including various types of batteries—
7 year-round and/or at scheduled events that are advertised to the general public. The website for
8 each county’s recycling program also advises the public of retailers who accept different kinds of
9 household batteries for recycling, including Home Depot, Best Buy, Batteries + Bulbs (Oahu),
10 and Slim’s Power Tools (Maui).

11 **Offered Amendments:** None.

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



SIERRA CLUB OF HAWAI'I

MĀLAMA I KA HONUA. *Cherish the Earth.*

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

January 31, 2019 8:30AM Room 325

In **SUPPORT** of **HB1576**: Relating to solid waste

Aloha Chair Lowen, Vice Chair Wildberger, and members of the committee,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **strongly supports HB 1576**, which aims to require retailers of certain batteries to implement programs to accept batteries for reuse, recycling, or disposal. This bill also requires the Department of Health to expand its recycling operations to accommodate the recycling of batteries, as well as appropriate funds.

The Sierra Club of Hawai'i is committed to supporting efforts that seek to reduce waste across the islands, especially toxic waste which can come from batteries that end up in the landfill. Batteries may contain a number of different materials such as cadmium, lead, zinc, nickel, lithium and mercury. When batteries are not disposed of properly, the casing can disintegrate and the toxic chemicals within can leach into the surrounding environment, potentially causing soil and water pollution¹. Keeping batteries out of the landfill also allows for the recycling of certain types of batteries, where they can be taken apart and materials will be recovered for reuse.

Currently, only retailers of auto batteries are required by law to accept your old battery when you purchase a new replacement. Other options for recycling batteries are drop-off locations around the State. These locations vary in restrictions and regulations making the process inconvenient which in turn leads to more batteries ending up in the landfill.

We urge the Committee to pass this measure, as it would increase battery recycling by facilitating the process for the people of Hawaii. Recycling is good for the environment and moves the State closer to the 2030 Aloha+ goal set for solid waste reduction.

Thank you very much for this opportunity to provide testimony in **support of HB 1576**.

Mahalo,
Lori Mallini
Volunteer, Sierra Club of Hawai'i

1. <https://www.kauai.gov/BatteryRecycling>

HB-1576

Submitted on: 1/29/2019 7:40:20 PM

Testimony for EEP on 1/31/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

HB-1576

Submitted on: 1/29/2019 11:02:49 PM

Testimony for EEP on 1/31/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
dr. mary trotto	Individual	Support	No

Comments:

i suppre this bill. we should have been recycling batteries many years ago. it is a shame that we have waited so long to truly recycle.this bill does not go far enough

The bill should include all types of hazardous waste, electronic phones, computers, printers etc.

HB-1576

Submitted on: 1/29/2019 1:02:11 PM

Testimony for EEP on 1/31/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Wintner	Individual	Support	No

Comments:

Aloha, I support HB1576 because I know the harm a single discarded battery can cause. Multiply casual discards by an entire state, and the loss is significant. Please do the right thing and pass this bill to establish return patterns on spent batteries. Thank you.

HB-1576

Submitted on: 1/29/2019 1:50:42 PM

Testimony for EEP on 1/31/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lois Crozer	Individual	Support	No

Comments:

HB-1576

Submitted on: 1/29/2019 10:07:45 PM

Testimony for EEP on 1/31/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Autumn Ness	Individual	Support	No

Comments:

HB-1576

Submitted on: 1/29/2019 7:31:26 AM

Testimony for EEP on 1/31/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rene Umberger	Individual	Support	No

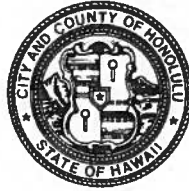
Comments:

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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LATE

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DIRECTOR

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ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
WAS 19-39

January 30, 2019

The Honorable Nicole E. Lowen, Chair
The Honorable Tina Wildberger, Vice Chair
and Members of the Committee on Energy & Environmental Protection
House of Representatives, Room 325
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Lowen, Vice Chair Wildberger, and Members of the Committee on Energy & Environmental Protection:

SUBJECT: HB 1576
Relating to Solid Waste, Recycling of Certain Types of Batteries

The Department of Environmental Services of the City and County of Honolulu (ENV) **supports** HB 1576, to require all retailers to recycle non-lead acid batteries.

ENV accepts vehicle batteries for recycling at all nine of its refuse drop-off convenience centers and transfer stations. Residents are also able to safely dispose of a small number of alkaline batteries in their household regular refuse. All regular refuse on Oahu is taken to the City's H-POWER waste-to-energy facility where it is incinerated to create electricity. Metals, including alkaline batteries, are extracted from the refuse by magnets and eddy current separators and recycled.

H-POWER is not designed to process any amount of lithium ion, nickel cadmium, lead acid or similar type batteries. Further, HRS Chapter 342I prohibits the disposal of lead acid batteries. If these types are disposed with regular refuse and end up at H-POWER, they can damage processing equipment and pose safety and health risks to workers and the environment.

ENV has seen an increase in the amount of lithium ion, nickel cadmium and other types of batteries in the waste stream. Further increases are anticipated as the use of battery-powered technology continues to evolve. Expanding recycling options at the state level would ensure that this material is dealt with in a safe and responsible way.

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January 30, 2019
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Thank you for your consideration of our testimony in support of this measure.

Sincerely,



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



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
January 31, 2018**

Re: HB 1576 Relating to Solid Waste

Good morning Chairperson Lowen and members of the House Committee on Energy and Environmental Protection. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii (RMH) is a statewide not-for-profit trade organization committed to supporting the retail industry and business in general in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

While the Retail Merchants of Hawaii understands the intent of HB 1576 Relating to Solid Waste, we are opposed to this measure. Retailers continue to be concerned about our aina and have supported many initiatives that preserve and protect our environment. However, many retailers are not equipped to handle the storage of batteries that may secrete toxic waste and pose a potential hazard to not only our aina, but our employees and our customers as well. And depending on the number of batteries, many retailers may not have the space to hold batteries returned for recycling, especially if there are no recycling facilities that accepts batteries on the islands.

It is our understanding that recycling batteries are not as easy as storing them in a box until they are ready to be taken to or picked up the recycling center. There are regulated handling and disposal to reduce the discharge of toxins found in the batteries like mercury into the environment. We are also aware that there are some specific dangers associated with batteries that include electrical dangers, chemical dangers, burning reactions, and their potential interactions.

The bill also raises the question or how does the used batteries get to the recycling facilities. Does the recycling facilities pick up the used batteries like our green and blue trash bins on certain days? Retailers are not equip to transport hazardous materials to the recycling site.

We would also like to point out that that tracking how many batteries, which customer purchased may not be that simple. Although many stores have Point of Sales systems it is difficult for retailers to track which customer and how many batteries they purchased in the past from that particular store (or chain) especially if they customer pays in cash or does not participate in a membership/loyalty program.

We suggest that the current government recycling operations be fully operational to take in the used batteries as well as be the mandated sites for the used batteries to be turned in to be recycled.

Again mahalo for this opportunity to testify.

HB-1576

Submitted on: 1/30/2019 5:47:09 PM

Testimony for EEP on 1/31/2019 8:30:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Stuart Coleman	Surfrider Foundation	Support	No

Comments:

Aloha, Chair Lowen, Vice Chair Wildberger and Committee Members,

Surfrider Foundation supports this bill to aid in the recycling of batteries, which pose an environmental hazard if not disposed of properly. Because many are just thrown away in the trash or dumped at illegal sites, this bill will help make sure they are disposed and recycled.

Mahalo, Stuart Coleman, Hawaii Manager