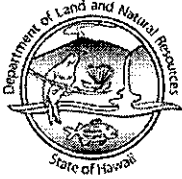


**SB 2210**

LINDA LINGLE  
GOVERNOR OF HAWAII



LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
LAURA H. THIELEN  
Chairperson**

**Before the Senate Committees on  
ENERGY AND ENVIRONMENT  
and  
WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS**

**Tuesday, February 9, 2010  
2:45 p.m.  
State Capitol, Conference Room 225**

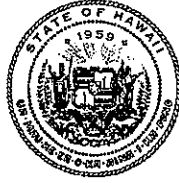
**In consideration of  
SENATE BILL 2210  
RELATING TO POLLUTION**

Senate Bill 2210 prohibits the use of plastic objects on any boat registered in the State; establishes a working group to develop rules for subsistence fishing; provides a tax credit for items purchased to comply with the prohibition. The Department of Land and Natural Resources (Department) opposes this bill.

The bill is so broad that it would ban most objects on vessels including ropes, portable fuel containers, and fishing equipment. Additionally, the Department's Division of Boating and Ocean Recreation (DOBOR) and Division of Conservation and Resources Enforcement (DOCARE) does not have the manpower to enforce this bill. There are over 16,000 vessels that are registered in the State and neither division has the staff to inspect vessels and enforce the provisions. The hiring of new staff to accomplish vessel inspections would increase the cost of registering vessels in Hawaii. The Department continues to face severe budget cutbacks. The Department's general fund appropriations and special fund revenues have dropped over 32% and 35%, respectively, in less than three years, and the Department lost more than 10% of its positions (over 80 positions) this past year. The bill imposes duties that would require a substantial amount of staff time and funding. To reiterate, the Department simply does not have the resources and staffing necessary to undertake the additional duties that would be required under this bill.

LINDA LINGLE  
GOVERNOR

JAMES R. AIONA, JR.  
LT. GOVERNOR



KURT KAWAFUCHI  
DIRECTOR OF TAXATION

STANLEY SHIRAKI  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF TAXATION  
P.O. BOX 259  
HONOLULU, HAWAII 96809

PHONE NO: (808) 587-1510  
FAX NO: (808) 587-1560

**SENATE COMMITTEES ON ENERGY & ENVIRONMENT AND  
WATER, LAND, AGRICULTURE & HAWAIIAN AFFAIRS  
TESTIMONY REGARDING SB 2210  
RELATING TO POLLUTION**

**TESTIFIER: KURT KAWAFUCHI, DIRECTOR OF TAXATION (OR DESIGNEE)**  
**DATE: FEBRUARY 9, 2010**  
**TIME: 2:45PM**  
**ROOM: 225**

---

This measure provides for a refundable tax credit for the purchase of objects used to replace plastic items in order for vessels to comply with a proposed ban on plastic items in Hawaii waters.

The Department of Taxation (Department) **opposes** the tax credit in this measure because it is **outside the budget priorities this legislative session.**

The Department defers to the Department of Land & Natural Resources on the policy of banning plastic items from Hawaii waters.

Notwithstanding the merit of this measure, the Department cannot support the tax impacts in this measure because these tax breaks are not factored into the budget. The Department must be cognizant of the biennium budget and financial plan. This measure has not been factored into either. Given the forecasted decrease in revenue projections, this measure would add to the budget shortfall.

The Department simply cannot support this tax incentive given the other competing priorities for general fund revenues.



Ocean Tourism Coalition

*The Voice for Hawaii's Ocean Tourism Industry*  
820 Mililani Street, #810  
Honolulu, Hawaii 96813  
(808) 205-1745 Phone (808) 533-2739 Fax  
office@oceantourism.org

February 9, 2010

TESTIMONY TO: Senate ENE Committee: Senator Mike Gabbard, Chair  
Senate WTL Committee: Senator Clayton Hee, Chair

2:45 PM Conf Room 225  
James E. Coon, President of the Ocean Tourism Coalition  
Speaking in **Strong Opposition to SB 2210**

Chairs Gabbard and Hee and members of the joint committees:

I am Jim Coon, President of the Ocean Tourism Coalition (OTC) speaking with  
**STRONG OPPOSITION to SB 2210.**

The many small businesses that earn their livelihood from a pristine and protected marine environment want to participate in keeping our ocean waters free from plastic. This bill is completely unreasonable and unenforceable. There are already very specific laws enforced by the Federal Government strictly prohibiting the dumping of plastic waste into the ocean.

There are many issues to be addressed: There are very few materials that can withstand the corrosive action of the Marine environment. Vessels themselves are built out of plastic. Lines, fasteners, cushions, fenders, floats, deck coverings, cutting boards, glasses, plates, cutlery, just to name a few are made of plastic. Most of the containers that transport food and keep product hot or cold are made of plastic. Plastic of one type or another is used on vessels in so many ways, often with no other substitute material available, that it staggers the imagination.

How will this be enforced? It seems almost impossible.

The tax credits portion would be very difficult to track and will reduce the states revenue even further.

The negative consequences are significant. I am sure many others will testify in greater detail on the negative consequences this will have on their particular business.

We are fully supportive of efforts to manage our precious ocean resources. These precious resources form the basis of both our way of life and our continued economic viability. This would be similar to banning the internal combustion engine because we want to clean up our atmosphere. The focus needs to be on the illegal dumping of plastic waste, not eliminating all plastic products.

SB 2210, while well intended, is virtually impossible to comply with. It appears to be poorly thought out, could be discriminatory, lacks vision of what would serve the public needs and the needs of the maritime community and will cause many seen and unseen negative consequences if passed.

Please Kill SB 2210.

Thank you,

James E. Coon, President  
Ocean Tourism Coalition  
PO Box 847  
Kula, HI 96790  
808-870-9115  
captcoon@gmail.com

# TAXBILLSERVICE

126 Queen Street, Suite 304

TAX FOUNDATION OF HAWAII

Honolulu, Hawaii 96813 Tel. 536-4587

**SUBJECT:** INCOME, Plastic object replacement tax credit

**BILL NUMBER:** SB 2210

**INTRODUCED BY:** Green and 1 Democrat

**BRIEF SUMMARY:** Adds a new section to HRS chapter 235 to allow a principal operator of a fishing or recreational vessel to claim an income tax credit equal to the amount paid for equipment and items purchased to comply with the plastic prohibition under HRS chapter 200, part \_\_\_\_.

If the credit claimed by the principal operator under this section exceeds the amount of the income tax payments due from the principal operator, the excess of credit over payments due shall be refunded to the principal operator; provided that such amount is in excess of \$1. Requires the director of taxation to prepare the necessary forms to claim the credit and may adopt rules pursuant to HRS chapter 91. Claims for the tax credit, including any amended claims, shall be filed on or before the end of the twelfth month following the taxable year for which the credit may be claimed.

Defines “fishing or recreational vessel” and “principal operator” for purposes of the measure.

Adds a new part to HRS chapter 200 to prohibit the use of plastic objects on commercial or recreational boats; provided that vessels may transport commercial cargo of plastic objects. Delineates conditions where plastic may be used or carried. Also establishes a working group to expand similar prohibitions to subsistence fishers.

**EFFECTIVE DATE:** Tax years beginning after December 31, 2009

**STAFF COMMENTS:** This measure proposes to allow operators of a commercial or fishing vessel to claim an income tax credit for the costs incurred to comply with the plastic prohibition proposed in this measure. The proposed measure would grant preferential tax treatment to a very select group of taxpayers and do so without the taxpayer’s need for tax relief.

Inasmuch as there is absolutely no relationship between the cost of retrofitting a vessel and the taxpayer’s tax burden, there is little justification for granting this tax preference which is merely a subsidy of 100% of the cost. In addition, while there is no limitation on the amount of credit that may be claimed nor a termination date of the credit, there is no way to ascertain the cost of the credit which, no doubt, will result in a depletion of state funds at a time when the state can barely afford it.

If this measure were adopted, it may open the door for other requests to address other “environmental” concerns, but it should be remembered that such concerns come with a cost that maybe indirectly or directly passed on taxpayers. Finally, it is incredulous that a proposal such as this would be submitted given the financial crisis in state finances.

Digested 2/8/10

**gabbard1 - Carlton**

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**From:** MikeyinMaui@aol.com  
**Sent:** Monday, February 08, 2010 10:49 AM  
**To:** ENETestimony  
**Subject:** RE: Testimony on SB 2210

***Committee on Energy and Environment***  
***Senator Mike Gabbard, Chair***  
***Senator J. Kalani English, Vice Chair***

***Committee on Water, Land, Agriculture, and Hawaiian Affairs***  
***Senator Clayton Hee, Chair***  
***Senator Jill N. Tokuda, Vice Chair***

***Subject: Notice of Hearing on SB 2210***  
***Date: Tuesday, February 9, 2010***  
***Time: 2:45 p.m.***

Dear Senators,

My name is Michael Trotto and I am a resident of Kihei, Maui, Hawaii and I am the Vice Commodore/Treasurer for the Ma'alaea Boat and Fishing Club. I respectfully wish to submit my testimony in opposition to the passage of SB 2210, which would prohibit the use of plastic objects on any boat registered in the State of Hawaii. While all our members have a strong desire to keep our waters that surround our Islands free of debris and pollution, we feel this measure would essentially "dry-dock" every vessel in the State. Therefore, I respectfully request that the Committees do not forward this measure in it's present form. Thank you.

Sincerely,

Michael "Mike" Trotto  
Ma'alaea Boat and Fishing Club  
808-281-9829 (Direct)  
808-879-4416 Ext.210 (Office)  
808-879-2790 (Fax)  
Email: [mikeyinmaui@aol.com](mailto:mikeyinmaui@aol.com)



February 9, 2010

TESTIMONY TO: Senate ENE Committee: Senator Mike Gabbard, Chair  
Senate WTL Committee: Senator Clayton Hee, Chair

2:45 PM Conf Room 225

Testimony in **Strong Opposition to SB 2210**

Chairs Gabbard and Hee and members of the joint committees:

Banning plastic water bottles, plastic food containers, plastic crates, flotation devices, plastic forks, spoons, knives etc from commercial boats in Hawaii will not solve the problem. This bill cannot make an impact that will equal the hardship and expense to replace everything plastic used on commercial vessels. This is one very small group to target this huge liter problem on.

Researchers are finding that ocean currents carry plastic pollution -- cigarette lighters, plastic bags and other trash -- from the world's coastlines to the middle of its oceans.

Sixty-one-year-old Charles Moore, former owner of a furniture repair business in Long Beach, California, and an amateur scientist, surprised the scientific world with a discovery he made in the middle of the Pacific Ocean. Most of the trash Moore found was plastic. He and others believe that plastic is washed down rivers into the Pacific, then carried by currents past Central America, by Guam and the Philippines, on towards Japan, picking up more debris all the time.

The National Oceanic and Atmospheric Administration's, or NOAA, Holly Bamford, who directs the agency's marine debris program, isn't sure what to make of Charles Moore's research. The convergence zone and the debris that's located there is not twice the size of Texas nor is it twice the size of the United States, at least a cohesive mass.

In 1997, the city of Santa Monica, built a first-of-its-kind \$12 million water runoff treatment and recycling plant that traps large debris before it flows into the ocean. Last year, the system collected nearly 40,000 pounds of trash, much of it plastic.

A few federal and state laws, plus some international treaties, have targeted marine debris, but enforcement has been difficult, and spotty, and largely ineffective.



This bill SB2210 will not be a solution, only another band-aid to make some feel like something is being done. But really it will only cripple the commercial boaters, who are mostly small businesses.

Please kill this bill SB2210.

Sincerely,  
Melynda Dant  
Vice President  
Fair Wind Cruises

[http://www.pbs.org/newshour/bb/science/july-dec08/plasticocean\\_11-13.html](http://www.pbs.org/newshour/bb/science/july-dec08/plasticocean_11-13.html)



74-425 Kealakehe Parkway #16 Phone (808) 329-3199  
PO Box 5612 Fax (808) 329-7590  
Kailua-Kona, HI 96740  
Pirates@captainzodiac.com

February 8, 2010

**STRONG OPPOSITION to SB 2210.**

Chairs Gabbard and Hee and members of the joint committees:

The many small businesses that earn their livelihood from a pristine and protected marine environment want to participate in keeping our ocean waters free from plastic. This bill is completely unreasonable and unenforceable. There are already very specific laws enforced by the Federal Government strictly prohibiting the dumping of plastic waste into the ocean.

There are many issues to be addressed: There are very few materials that can withstand the corrosive action of the Marine environment. Vessels themselves are built out of plastic. Plastic of one type or another is used on vessels in so many ways, often with no other substitute material available, that it staggers the imagination.

How will this be enforced? It seems almost impossible.

The tax credits portion would be very difficult to track and will reduce the states revenue even further.

The negative consequences are significant. I am sure many others will testify in greater detail on the negative consequences this will have on their particular business. We are fully supportive of efforts to manage our precious ocean resources. These precious resources form the basis of both our way of life and our continued economic viability. This would be similar to banning the internal combustion engine because we want to clean up our atmosphere. The focus needs to be on the illegal dumping of plastic waste, not eliminating all plastic products.

SB 2210, while well intended, is virtually impossible to comply with. It appears to be poorly thought out, could be discriminatory, lacks vision of what would serve the public needs and the needs of the maritime community and will cause many seen and unseen negative consequences if passed. Please kill SB 2210!

Thank you,  
Linda Zabolski, C.E.O.  
Captain Zodiac Rafting Adventures, Kona, HI

Testimony SB221  
Tuesday, February 9, 2010  
Conference Room 225  
Tony Costa, Hawaii Nearshore Fishermen

THE SENATE  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2010

COMMITTEE ON ENERGY AND ENVIRONMENT

Senator Mike Gabbard, Chair  
Senator J. Kalani English, Vice Chair

COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

Senator Clayton Hee, Chair  
Senator Jill N. Tokuda, Vice Chair

NOTICE OF HEARING

DATE: Tuesday, February 9, 2010  
TIME: 2:45 p.m.  
PLACE: Conference Room 225  
State Capitol  
415 South Beretania Street

**Testimony in opposition to SB2210**

Hawaii Nearshore Fishermen oppose SB2210

Although well intentioned to bring awareness, this bill would be very impractical and onerous to vessel operators, fishermen, and recreational craft operators. Furthermore, the bill implies that the rubbish that accumulates in the ocean surface currents are from island boaters and subsistence fishermen.

The **Pacific Trash Vortex**, is a gyre of marine litter in the central North Pacific Ocean located roughly between 135° to 155°W and 35° to 42°N and estimated to be twice the size of Texas.<sup>[1]</sup> The patch is characterized by exceptionally high concentrations of suspended plastic and other debris that have been trapped by the currents of the North Pacific Gyre.

An estimated 80% of the garbage comes from land-based sources, and 20% from ships. A typical 3,000 passenger cruise ship produces over eight tons of solid waste weekly, much of which ends up in the patch.<sup>[12]</sup> Pollutants range in size from abandoned fishing nets to micro-pellets used in abrasive cleaners.<sup>[13]</sup> Currents carry debris from the west coast of North America to the gyre in about five years, and debris from the east coast of Asia in a year or less.<sup>[14][15]</sup> An international research project led by Dr. Hideshige Takada of Tokyo University studying plastic pellets, or nurdles, from beaches around the world may provide further clues about the origins of pelagic plastic.<sup>[16]</sup>

It is obvious from above analysis that Hawaii based boaters and subsistence fishermen do not contribute to the ocean floating garbage mass as most is derived from land based (80%) and that cruise ships contribute the other 20%.

Vessel operators should never discard rubbish into the ocean and there are existing regulations prohibiting this. Under the MARPOL agreement and U.S. federal law, it is illegal for any vessel to

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Testimony SB221

Tuesday, February 9, 2010

Conference Room 225

Tony Costa, Hawaii Nearshore Fishermen

discharge plastic or garbage containing plastics into any waters. Each knowing violation of these requirements may result in a fine up to \$500,000 and up to 6 years imprisonment.

Boaters, fishermen, and other vessel operators would be hard pressed to sterilize their vessels of plastic. Consider the following items:

All fishing equipment: Rods, Reels, Fishing line, lures, skirts, tackle box, scoop nets, throw nets, surround nets..

Plastic bags to put rubbish in, foul weather gear, sunglasses, clothing, water bottles, sunscreen containers, coolers, buckets, drivers licenses or other ids, lunch containers, chairs, mats, etc...

Most items taken to an ocean environment are made out of plastic due to corrosion resistance necessitating a longer life to equipment being in the wet and salty environment of the ocean.

Most salient point being that all items of plastic taken out to sea on Hawaii based vessels, and by subsistence fishermen, and recreational craft are all brought back in.

We believe an awareness campaign other than legislation banning plastic items on boats would better serve and holistically bring to light the various issues about plastics - it might also avoid costly and embarrassing unintended consequences for boaters, vessel operators, and fishermen.

Thank you for considering these comments in opposition to SB2210.

Tony Costa

Hawaii Nearshore Fishermen

540-1308 office

778-3133 cel

[Type text]



February 8, 2010

To: The Honorable Mike Gabbard, Chair  
Senate Energy and Environment Committee

The Honorable Clayton Lee, Chair  
Senate Water, Land, Agriculture, and Hawaiian Affairs Committee

From: Tim Shestek  
Senior Director, State Affairs  
American Chemistry Council

Re: **SB 2210 - OPPOSE**

The American Chemistry Council (ACC) must respectfully oppose SB 2210, legislation that would prohibit any person from “carrying or using any plastic object” on a marine vessel registered for use or operation in the state of Hawaii.

ACC and its member companies understand the intent of reducing litter and marine debris. To that end, ACC has been actively involved in creating and establishing recycling and anti-litter programs to meet this objective. However, as drafted, SB 2210 would prohibit boaters from using such consumer items as:

- Bottled water, soft drinks, milk, or juice
- Pre-packaged food products in a plastic bottle or pouch
- Infant formula
- Baby bottles and spill proof cups
- Shatter resistant reusable food containers, drink cups or cutlery
- Sunscreen bottles
- Shampoo bottles
- Electronic devices such as cellular phones, PDA's or laptop computers
- Radio and music players
- Children's toys and/or waterproof books

Though well-intentioned, SB 2210 is an impractical solution to the state's litter and marine debris challenges. Whether it is plastic, paper or another type of product that is being improperly disposed of, it is not the packaging that is at issue but rather the human behavior behind the tossing of the trash that needs to be addressed.

ACC would welcome the opportunity to work with state officials, local governments, business and retail organizations and other stakeholders to identify programs (e.g. enhanced recycling, anti-litter public education, etc) – that focus on ensuring that all forms of litter are reduced.

Thank you in advance for the opportunity to provide these comments. Should you have any questions or comments, please contact me at 916-448-2581 or via email at [tim\\_shestek@americanchemistry.com](mailto:tim_shestek@americanchemistry.com). You may also contact ACC's Hawaii based representatives Red Morris or John Radcliffe at 808-531-4551.

**Kalei Lu'uwai  
345 Pu'uala St.  
Waiohuli, Hi. 96790  
(808)-870-9040  
rluuwai@hcsugar.com**

***Committee on Energy and Environment  
Senator Mike Gabbard, Chair  
Senator J. Kalani English, Vice Chair***

***Committee on Water, Land, Agriculture, and Hawaiian Affairs  
Senator Clayton Hee, Chair  
Senator Jill N. Tokuda, Vice Chair***

***Subject: Notice of Hearing on SB 2210  
Date: Tuesday, February 9, 2010  
Time: 2:45 p.m.***

**Dear Senators,**

**My name is Kalei Lu'uwai and I am the Commodore for the Ma'alaea Boat and Fishing Club. I respectfully wish to submit my testimony in opposition to the passage of SB 2210, which would prohibit the use of plastic objects on any boat registered in the State of Hawaii. While all our members have a strong desire to keep our waters that surround our islands free of debris and pollution, we feel this measure would essentially halt every vessel in the State from leaving a harbor. Therefore, I respectfully request that the Committees do not forward this measure in its present form. Thank you.**

**Sincerely,**

**Kalei Lu'uwai  
Ma'alaea Boat and Fishing Club  
Work 877-6999  
Home 572-5178**

**gabbard1 - Carlton**

---

**From:** Vinge, Gary [gary.vinge@mauielectric.com]  
**Sent:** Monday, February 08, 2010 2:53 PM  
**To:** ENETestimony  
**Subject:** SB 2210

***Committee on Energy and Environment***  
***Senator Mike Gabbard, Chair***  
***Senator J. Kalani English, Vice Chair***

***Committee on Water, Land, Agriculture, and Hawaiian Affairs***  
***Senator Clayton Hee, Chair***  
***Senator Jill N. Tokuda, Vice Chair***

***Subject: Notice of Hearing on SB 2210***  
***Date: Tuesday, February 9, 2010***  
***Time: 2:45 p.m.***

**Dear Senators,**

**My name is Gary Vinge and I am a resident of Wailuku, Maui, Hawaii and I am the Commodore for Maui Trailer Boat Club. I respectfully wish to submit my testimony in opposition to the passage of SB 2210, which would prohibit the use of plastic objects on any boat registered in the State of Hawaii. While all our members have a strong desire to keep our waters that surround our Islands free of debris and pollution, we feel this measure would essentially "dry-dock" every vessel in the State. Therefore, I respectfully request that the Committees do not forward this measure in its present form. Thank you.**

**Sincerely,**

**Gary Vinge**  
**Maui Trailer Boat Club**  
**808-870-9871(Direct)**  
**808-871-2312 (office)**  
**808-872-3504 (Fax)**  
**Email: [gsvinge@earthlink.net](mailto:gsvinge@earthlink.net)**

**Gary Vinge**

**MECO Construction Superintendent**  
**Maui Electric Company, Ltd.**  
**210 W. Kamehameha Ave.**  
**Kahului, Maui 96733**  
**Phone: (808)871-2312**  
**[gary.vinge@mauielectric.com](mailto:gary.vinge@mauielectric.com)**





# FISHING TALES

with  
*Mike  
Sakamoto*

Testimony to the Senate Committees on Energy and Environment and  
Water, Land, Agriculture, and Hawaiian Affairs  
Tuesday, February 9, 2010 at 2:45 pm

Testimony in opposition to SB 2210, Relating to Pollution

To: The Honorable Mike Gabbard, Chair  
The Honorable J. Kalani English, Vice-Chair  
Members of the Committee on Energy and Environment

The Honorable Clayton Hee, Chair  
The Honorable Jill Tokuda, Vice-Chair  
Members of the Committee on Water, Land, and Hawaiian Affairs

My name is Stefanie Sakamoto, and I am testifying on behalf of Fishing Tales with Mike Sakamoto, a company that was founded by my father in 1985.

We are opposed to SB 2210, which would ban the use of plastics on commercial and recreational boats. While safety and navigational equipment would still be allowed, there are many other types of gear necessary to a boater that would fall into this category. For example, under this bill, fishermen would be in violation because the handles of reels are made of plastic. Recreational boaters wouldn't be able to use plastic recreational objects, such as boogie boards or inflatable toys. Kayakers would be in violation because their boats are commonly made entirely of plastic.

I have never personally seen a fisherman throw anything (other than a caught-and-released fish, or bait) off the side of a boat. In my personal experience, many fishermen will stop and collect garbage on the water if they see it. My father worked very hard to raise awareness about the hazards of littering on the ocean and shoreline, and appeared in numerous public service announcements for the State of Hawaii on this topic.

A bill like this would shut down fishermen and boaters in Hawaii. Therefore, we stand in opposition to SB 2210. Thank you for the opportunity to testify.

THE SENATE  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2010

COMMITTEE ON ENERGY AND ENVIRONMENT

Senator Mike Gabbard, Chair  
Senator J. Kalani English, Vice Chair

COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

Senator Clayton Hee, Chair  
Senator Jill N. Tokuda, Vice Chair

NOTICE OF HEARING

DATE: Tuesday, February 9, 2010  
TIME: 2:45 p.m.  
PLACE: Conference Room 225  
State Capitol  
415 South Beretania Street

**Testimony in Strong Opposition to S.B 2210 Relating to Pollution**

Chairs Gabbard and Hee, Vice-chairs English and Tokuda, and Honorable Members of the Committee on Energy and Environment and, Committee on Water, Land, Agriculture, and Hawaiian Affairs I am Roy Morioka, a fisherman, boater and resident of Waialae-iki, Oahu and appreciate this opportunity to voice my **strong opposition** to this bill.

The bill simply defies logic and “common sense” when plastics abound in the form of containers such as portable fuel tanks, bento boxes, tool and tackle boxes, water jugs, beverage bottles, ice chests, buckets, bailers, and fishing gear in the form of rods, reels, fishing lines, lures, etc., GPS chartplotters, depth sounders, etc., etc. etc...

Additionally, the US Coast Guard rules (MARPOL ANNEX V) that already prohibits the discharge of plastic waste from small boats, adequately addresses the concerns and actions raised in the bill. The bill also fails to address all other point sources that account for the majority of the plastics found in our waters.

SB2210 needs to be held as it essentially targets fishing and most boating activities while protecting dive tour operations and our indigenous community. The provision for the development of a working group shall examine the feasibility of prohibiting plastic objects in subsistence fishing practices and make recommendations for rules to the department in conformance therewith signals an additional specific provision to provide a group, exemption from the bill. These exemptions signal the true intentions of this bill which is to stop fishing and most boating activities by residents of the state while providing exemptions to our visitors through the dive and snorkel gear exemptions and the indigenous community an opportunity for a work around. Both exemptions create division and smacks of favoritism to specific groups in a society where all should be treated with equality.

Finally, the subsistence provision makes no reference to boats and could be interpreted to include shoreline activities too.

Respectfully,  
Roy N. Morioka

Dear Chairs Gabbard,Hee and members of the ENE and WTL Committees,

SB2210 appears to be professionally prepared, indicating the involvement of a National NGO.

It makes the bold and unscientific presumption that Hawaii's participation,as presented in the Bill, is going to make a significant contribution without indicating what other efforts are on/going or planned throughout the entire Pacific basin to curb this problem.

Analysis on a smaller local scale reveals a couple of red flags that indicate a superficial understanding of the impact of the Bill on all of the small boats (recreational and commercial) registered to operate in the State. By prohibiting the presence of plastic items such as; Fish/ice coolers, fishing rods, reels, lines, lures, nets, equipment covers and containers, bento boxes, plastic bottles and fuel containers, etc. aboard these boats, many of the activities integral to boating would not be possible or feasible.

Another attention grabber is the section on Subsistence Fishing. The basic and single purpose of this Bill is to restrict plastic items that may be carried aboard a boat in Hawaii. However, this limited application is broadened considerably when the text does not differentiate between subsistence fishing conducted from a boat or from the shoreline. Is this an oversight or is it a sleeper to extend authority to shoreline fishing??? Furthermore, this subsistence fishing (boat or shore) is not unique to native Hawaiians and there does not seem to be an appropriate nexus between native Hawaiian (or any other)subsistence fishing and the restriction of plastic items aboard fishing boats. Does the Bill envision extending special "plastic rights" to native Hawaiian subsistence fishers, or does it just pretend to do so, to gain shibai political advantage.

The current US Coast Guard rules (MARPOL ANNEX V) prohibiting the discharge of plastic waste from small boats is appropriate and sufficient. The outright banning of the carriage and use of plastic objects on commercial or recreational boats as prescribed by SB2210, over and above these USCG restrictions, imposes significant and unfair burdens on the affected boaters that far exceed any benefits that they may generate. This SB2210 is a gross overkill, and should held.

Mahalo,

Bill (William E.) Mossman  
Small boat owner and fisherman (commercial and recreational) for 30 years in Hawaii.

Board member Hawaii Ocean Safety Team

Advisory Panel member WesPac Regional Fisheries Management Council

**gabbard1 - Carlton**

---

**From:** Stan Wright [stanwright@hawaii.rr.com]  
**Sent:** Friday, February 05, 2010 3:20 PM  
**To:** ENETestimony  
**Subject:** SB 2210

Well, it's a happy feel good idea, but I don't think it will fly.

Does this mean the zip-loc bag holding my sandwich is illegal?  
Yet the zip-loc bag keeping my boat papers, first aid kit, VHF radio, and cell phone dry is OK?  
Which I keep in a plastic bucket....under my plastic chair. The one with the plastic seat cushion.  
(the Coast Guard approved throwable one.)

Is the plastic case holding my glasses now illegal if it's on the boat.  
My small ice chest holding the "plastic" bottles of water? OK or Not?  
If I put my prescription pills into a zip-loc bag and then keep it in the ice chest?  
Are my cooler and plastic bag, and pill bottle now legal or not?  
I guess the plastic bag, holding the plastic container, holding the ZipPac meal is a No No?  
Will we no longer be able to use that plastic Zippy's bag as our litter bag any more?  
What about the plastic garbage bags used to keep stuff organized and dry?  
If the plastic water bottle is full of water is it legal and only not legal after we drink the water?

The reason I use plastic rod holders and coolers is because the metal ones rust and need to be replaced in 6 months

What the hell are you guys thinking? You can make all the laws you want but if they are stupid and unenforceable.... why bother? Why are you wasting time on this when there are a lot more pressing issues to be working on this year.

"Life is tough, life is really tough if your stupid".

Aloha,  
Stan Wright  
(to save you some time... yes, I'm registered to VOTE and I do VOTE every election)  
46-456 Makena St.  
Kaneohe, HI 96744  
[stanwright@hawaii.rr.com](mailto:stanwright@hawaii.rr.com)  
808-352-6197

## **gabbard1 - Carlton**

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**From:** Courtland Pang [courtlandp@hotmail.com]  
**Sent:** Saturday, February 06, 2010 2:13 AM  
**To:** ENETestimony  
**Subject:** SB2210, February 9, 2010, 2:45 p.m.

I am writing to provide testimony AGAINST passage of SB2210.

I recognize and applaud the well-meaning intentions of the bill's authors and sponsors, but the bill as written does nothing to enhance the public's image of their legislators.

Webster's dictionary defines the noun "plastic" as: "Any of numerous organic synthetic or processed materials that are molded, cast, extruded, drawn, or laminated into objects, films, or filaments."

SB2210 defines "Plastic object" to mean "any container, sheet, or object which consists of any material made of polymeric organic compounds and additives that can be shaped by flow".

With just a little knowledge of boating, especially the smaller "recreational" craft this bill seeks to regulate, one should realize that all fiberglass boats themselves are plastic objects molded, cast, or laminated using films and filaments. Further, the monofilament fishing lines universally used aboard these plastic boats are objects extruded into filaments as are the nylon ropes essential for anchoring and docking. Even the handles of the fishing reels and the older reels themselves, not to mention the fishing rods, are all objects meeting the above definitions of plastic. The landing nets, the ice chests used to keep ice cold (in the plastic bags that ice is sold in) are all plastic objects, and there are many others.

Besides being necessary for fishing, the plastic aboard a vessel is essential for safety and sustaining life! The gloves we use to protect ourselves from injury when boating a fish are objects made of extruded filaments. The water we carry to sustain life is stored in plastic containers; to do so in glass containers is hazardous aboard a rocking and rolling boat. The radios, antennae, and navigational equipment all have plastic housings. The safety feature of last resort, the Emergency Position Indicating Radio Beacon is made of plastic.

Plastic is ubiquitous, especially aboard a small recreational craft. The **§200-C** (b)(5) exception permitting a plastic object aboard if it is "Part of the vessel, emergency rescue equipment, diving or snorkel gear, or navigation equipment" is too vague and subject to interpretation and, for example, does not even mention fishing equipment.

I believe there already exists a law prohibiting dumping of plastics in federal waters. If there is no corresponding law for State waters, then that is where your attention should be directed. I know of no fisherman who now purposely dumps plastic at sea, but there is nothing wrong with formalizing and strengthening that behavior. Quite to the contrary, **it would make absolutely no sense to prohibit taking plastic to sea**, where it is so essential, **if all the plastic that goes to sea returns to land.**

PLEASE KILL SB2210 and make better use of we taxpayer's time and monies by cutting costs to meet the budget deficit. When we taxpayers do not have enough income to meet expenses, we cut back on expenses because we cannot unilaterally raise our income. Do you legislators not operate your own households that way? Do not think to solve the budget shortfall by raising income - our taxes - for where are we to get that money? Can you not understand that raising our taxes will cause us to further lower our expenditures and that is a vicious cycle? Don't waste money - Kill SB2210 and go cut expenses to meet the budget shortfall.

Thank you,  
Courtland Pang, Registered Voter  
1213 Komo Mai Drive  
Pearl City, HI 96782

## **gabbard1 - Carlton**

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**From:** Lundie Fleming [lundief@gmail.com]  
**Sent:** Saturday, February 06, 2010 7:02 AM  
**To:** ENETestimony  
**Subject:** Bill S.B. 2210, Hearing Feb 9, 2:45 pm

To whom it may concern,

This is the most absolutely ludicrous bill I have ever heard of. A wide ban on all plastic objects on boats? No provisions for fishing gear whatsoever? You are aware that the fishing line that every commercial fisherman uses is plastic, aren't you? Most the lures used are made of plastic, and most boat parts are plastic. Fish boxes, coolers, fishing rods (yes fiberglass is plastic), gaffs, reels, marker buoys, boat fenders, everything a fisherman uses on a day to day basis is either made totally of plastic, or has many plastic parts. Fishing and boating bring huge amounts of money to our state's economy each and every year, and at a time like this, we need all the help we can get. Yet someone still thinks that this is a good idea? Fishermen and boaters, those who spend the most time on the water, are some of the most environmentally conscious people around. We see the plastic bags, styrofoam cups, and other debris in the water every time we fish. We know the effects it can have on marine life, and the ocean that we are surrounded by. It is not boaters that are filling the ocean with plastic. The wording in this bill is so broad and general that it is ridiculous. If you really wish to make a difference, spend some time, make some effort, and write a bill that will actually make positive changes. Don't pass something so poorly worded, barely thought out, and obviously flawed. Thank you

Lundie Fleming  
Haiku, Maui

Alicia Starsong  
72-4019 Mamalahoa Hwy, Kailua Kona, HI 96740

February 9, 2010

TESTIMONY TO: Senate ENE Committee: Senator Mike Gabbard, Chair  
Senate WTL Committee: Senator Clayton Hee, Chair

2:45 PM Conf Room 225

Testimony in **Strong Opposition to SB 2210**

Chairs Gabbard and Hee and members of the joint committees:

The many small businesses that earn their livelihood from a pristine and protected marine environment want to participate in keeping our ocean waters free from plastic. However, this bill is completely unreasonable and unenforceable. There are already very specific laws enforced by the Federal Government strictly prohibiting the dumping of plastic waste into the ocean.

Banning plastic water bottles, plastic food containers, plastic crates, flotation devices, plastic forks, spoons, knives etc from commercial boats in Hawaii will not solve the problem. This bill cannot make an impact that will equal the hardship and expense to replace everything plastic used on commercial vessels. This is one very small group to target this huge liter problem on.

Researchers are finding that ocean currents carry plastic pollution -- cigarette lighters, plastic bags and other trash -- from the world's coastlines to the middle of its oceans. I spent a year living aboard a boat in a "third world" country. It was very evident that there was a large part of the coastal residents that viewed the ocean as their dump. Communities threw their trash over cliffs or left it on the beach to be washed away. In contrast, the boaters I knew and saw acted quite differently. The boaters knew the ocean as their home, respected the ocean and did their best to keep it clean. I think the problem lays primarily with the masses on land not the small population of boaters.

Sixty-one-year-old Charles Moore, former owner of a furniture repair business in Long Beach, California, and an amateur scientist, surprised the scientific world with a discovery he made in the middle of the Pacific Ocean. Most of the trash Moore found was plastic. He and others believe that plastic is washed down rivers (from the land) into the Pacific, then carried by currents past Central America, by Guam and the Philippines, on towards Japan, picking up more debris all the time. This trash was not generated by commercial vessels in Hawaii.

The focus needs to be on the illegal dumping of plastic waste, not the use of plastic products.

Alicia Starsong  
72-4019 Mamalahoa Hwy, Kailua Kona, HI 96740

In 1997, the city of Santa Monica, built a first-of-its-kind \$12 million water runoff treatment and recycling plant that traps large debris before it flows into the ocean. Last year, the system collected nearly 40,000 pounds of trash, much of it plastic.

This bill SB2210 will not be a solution, only another band-aid to make some feel like something is being done. But really it will only cripple the commercial boaters, who are mostly small businesses.

Please kill this bill SB2210.

Thank you,

Alicia Starsong  
Certified Sailing Instructor  
72-4019 Mamalahoa Hwy  
Kailua Kona, HI 96740  
konabreeze@yahoo.com



Committee on Energy and Environment  
Senator Mike Gabard, Chair  
Senator J. Kalani English, Vice Chair

Committee on Water, Land, Agriculture and Hawaiian Affairs  
Senator Clayton Hee, Chair  
Senator Jill N. Tokuda, Vice Chair

Date: February 8, 2010

**Re: Hearing on Tuesday, February 9, 2010, 2:45 p.m., Conference Room 225,  
State Capitol, 415 S. Beretania Street, Relating to Pollution, SB2210**

Dear Sirs/Madam:

I oppose the proposed legislation referenced above. I have been an avid user of our aquatic resources (sail, surf, fishing and diving) since I was a child, and have been going deep-sea fishing since 1972. I believe the proposed legislation is unfair, overbroad and imposes too much burden on our commercial and recreational fishermen without providing an alternative to banned products. Here are my reasons:

**1. Inadequate alternatives to equipment containing polymeric compounds:**

I do not believe there is any equipment available to substitute regardless of any tax credit the State provides. All of the fishing rods, reels, the line filling the reels, outrigger poles, lures, lure skirts, fishing knives, and tackle of various sorts I own include polymeric compounds. We will be left with bamboo rods and cotton twine tied to them that are long since outmoded and inadequate for modern fishing applications.

Moreover, mooring lines and other running gear essential to vessel operation (and not necessarily a part of the vessel) are made of polymeric compounds, and I believe they cannot be replaced by alternatives anymore. Such items are not clearly exempted in the proposed draft, but are essential for operating a vessel. For instance, if the principal power is sail, we have long since stopped using natural fabrics and fibers for such rigging. I don't know of anyone using or even supplying heavy canvass or heavy linen sails anymore. We also have plastic mooring buoys, fenders, chafe guards, floats and other items required to operate a vessel that are not available in permissible alternatives under this proposed bill.

Other equipment I regard as important in these times that are potentially banned by the proposed legislation include: mobile phones, VHF/CB radios (i.e., these are not necessarily emergency equipment), hand held search lights for night operation, temporary night lighting, extra marine batteries for bottom fishing and backup power, towing gear for assisting disabled vessels, sea drogues for controlling drift, portable coolers for fish and drinks, surfboards,

boogie boards, bungee tie-downs, food containers and more. I cannot think of readily available alternatives to these items that do not contain some polymeric/plastic substances.

Consequently, I believe this bill will effectively ban modern fishing and recreational boating equipment without providing alternatives, except for those getting special treatment classified as "subsistence fishermen." It is therefore unnecessarily overbroad, and favors a minority of ocean resource users over the rest of the community.

**2. The proposed bill unfairly precludes a voice in the matter to all but subsistence fishermen:**

The proposed legislation only gives a small segment of the affected population the ability to work directly within its framework. Only subsistence fishermen are listed as members of a working group, not commercial fishermen and other ocean vessel users. Legislation this broad should give all members of the ocean going community an equal chance to work on the proposed legislation.

**3. The proposed bill unfairly targets ocean going vessels:**

I am aware of the floating "garbage patch" at sea, but I do not agree with the assumption that the sources of these items are from our fishing and recreational vessels. When I am at sea, I often see balloons, broken surf boards, inflatable swimming floats, boogie boards that broke loose, and garbage bags blown from onshore or washed out in our streams. For example, I often see plastic flotsam and debris from Ala Wai canal containing numerous styrofoam pieces and plastic bottles being washed out to sea during storms. We in the boating community are not responsible for that kind of trash at sea. I take pride in the fact we collect all our garbage in the boats I go out on and deposit them in onshore trash receptacles.

**4. The simplest solution is to require use of on-board garbage receptacles:**

I believe the best we can do is to pass legislation requiring boaters to carry trash bags or similar item to contain plastic waste that may otherwise end up in the ocean. We can even propose a fine for enforcement officers to handle if they inspect a boat entering and leaving the water without such refuse containers, or the boater is seen dumping plastic and other garbage items into the ocean. I believe this is the most practical solution and will not unduly restrict boating activities as does the proposed overbroad and unfair legislation.

For the above reasons, I oppose SB2210. I hope you seriously consider my point of view, as I know other boaters feel similarly.

Thank you for your consideration in this matter.

Clifford K. Mirikitani, Jr.  
Concerned Manoa Resident

**gabbard1 - Carlton**

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**From:** Neil Kanemoto [neil@pop-hawaii.com]  
**Sent:** Monday, February 08, 2010 3:05 PM  
**To:** ENETestimony  
**Subject:** SB2210, February 9, 2:45pm, Coference room 225

To:

COMMITTEE ON ENERGY AND ENVIRONMENT -  
Senator Mike Gabbard, Chair  
Senator J. Kalani English, Vice Chair

COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS - Senator Clayton Hee, Chair  
Senator Jill N. Tokuda, Vice Chair

From: Neil Kanemoto  
Re: SB2210  
DATE: Tuesday, February 9, 2010  
TIME: 2:45 p.m.  
PLACE: Conference Room 225

State Capitol  
415 South Beretania Street

TESTIMONY IN OPPOSITION TO SB2210

Please defer SB2210 until a more sensible approach can be brought to bringing about marine debris awareness. I will not be repetitive but other testimonies submitted regarding this bill have given you hundreds of examples of how much plastic material and products is a necessity on a boat.

Banning plastics on Hawaii registered vessels would essentially eliminate all boating and sailing activities in the State of Hawaii. I do not believe our legislators intent is to hamstring our economy even further with such restrictions on local maritime commerce.

The main problem with plastic marine debris comes from land based sources so why punish the boaters? To validate this statement simply visit Keehi Boat Harbor when the winds are blowing 15-25 mph and witness yourself how much plastic materials are blowing into the water. Or visit the Ala Wai Boat harbor during/after a heavy rain and witness firsthand the hundreds if not thousands of pounds of plastic debris ending up in our ocean.

Boaters in general are very cautious with plastic items. Plastic debris is the bane of power and sailing vessels. Not only does INTERNATIONAL MARPOL laws prohibit the disposal of plastics worldwide, but plastic items sucked into intakes have damaged engine cooling systems and more, resulting in thousands of dollars in repairs.

To close out my testimony, I will relate to a story of when I was a youth fishing off of the coast of the big island. Some plastic material flew out of my hands and ended up in the water. My uncle immediately gave me a stern lecture about being more careful with my trash and how that plastic especially fouls the fishing lures, can damage the engine, etc. But more importantly it was to respect the ocean.

Bottomline this bill should be an educational effort that can be done through a combined effort of the DLNR's Division of Aquatics and Division of Boating. Perhaps the bill should be tweaked or re-introduced to address the marine debris issue in this manner.

Thank you for hearing my testimony.

Best regards,

Neil Kanemoto  
3734 Keanu St.  
Honolulu, HI 96816

## **gabbard1 - Carlton**

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**From:** rawcohi@cs.com  
**Sent:** Monday, February 08, 2010 4:49 PM  
**To:** ENETestimony  
**Subject:** SB 2210 in 225 at 1445 on Tuesday, 9 Feb 2010  
**Attachments:** SB 2210 Plastic.doc

February 8, 2010

Testimony in Vigorous OPPOSITION to SB 2210

The Senate Committee on Energy & Environment  
and  
The Senate Committee on Water, Land, Agriculture & Hawaiian Affairs

On Tuesday, 9 February 2010 in room 225 at 1445

Chairs and Respected Members of the Committees;

My name is Reg White. I have been a licensed U.S. Merchant mariner for over 55 years. With respect to plastic rubbish dumping we are already governed by MARPOL V and enforced by the U.S. Coast Guard. The penalties for allowing plastics to go overboard into the sea from a U.S. vessel are fierce! Other countries around the Pacific are not as cognizant as we are of the ecology of our planet. I too have visited the trash bowl of the North Pacific on my way to and from the mainland. I agree that there is a great, truly unfathomable amount of rubbish swirling around in circles up there. This collection has been building since man began to create rubbish that was not biodegradable. True, there is some accumulation there that can be traced directly to commercial fishing vessels, and some of it no doubt came from fishing vessels of the United States. Some of the less identifiable rubbish may well have come from some of the recreational boats of the U.S. as well, but this is such a small percentage of the total rubbish that makes up this pool as to be insignificant. You can only get the feel for this if you go to sea and experience the tremendous flow of plastic rubbish that comes from storm water runoff. You can get a tiny idea of what this is like by attending the Ala Wai canal or Kalihi stream during periods of high runoff. The plastic contamination can be witnessed to some degree by sorting through the debris that is caught in the storm filter at the Ala Moana Bridge over the Ala Wai Canal. You will miss most of the plastic shopping bags as they seem to reach neutral buoyancy at about six to eight feet down and so pass beneath the filter's structure, but you will see them out to sea once the water becomes clearer and you can see to that depth. The pollution that you are trying to correct here is not from pleasure boats. Pleasure boats are already well regulated with respect to plastic pollution. Please notice the attached picture of a sign in two languages that we carry all over our various cruise and tour boats to promote responsible plastic protocol on the part of our visitors. We also offer conservation sensitive narration in various languages to promote this consciousness. To ban plastic on our boats will mean that we use the authorized plastic in our first aid kits much more often as we will have bleeding passengers from the broken glass utensils we will have to use during our cruises instead of the reusable plastic utensils that we carry at the present time.

When you look at the law of unintended consequences as applied here, I will have no sails on my boat as they are dacron, so are my canvas covers and awnings. My upholstery and cushions are foam covered with naugahide, both plastics, my U.S. Flag is nylon, my house flag is dacron, the fishing poles are fiberglass and the fishing line is dacron with monofilament leaders and plastic lures. My mooring lines are nylon, my spare anchor line is ploypropelene, my potable water system is piped

with plastic water hose and PVC, my seawater cooling system is piped with PVC. Our winch handles are fiberglass and when we take on stores for a voyage at least two thirds of them come in plastic of some sort to protect and preserve them until they are used. Our ice chests to preserve the catch are plastic. If we didn't have plastic trash bags we would have one heck of a time preventing all this rubbish from being blown overboard and into the seas.

No, the problem is not do we carry or use plastic aboard our vessels. The problem is do we allow that plastic to go overboard into the sea to become a pollutant. That's where you want to direct your efforts with this bill, and that has already been taken care of for you by the federal government and international law as MARPOL V. All you need to do is authorize and enable enforcement of these laws by your local agencies.

Shred this bill, and let's start all over again. The goal is a good one, it's only this proposed execution that misses the point.

Reg White  
1540 S. King St.  
Honolulu, HI 96826-1919  
(808) 222-9794  
[RawcoHI@cs.com](mailto:RawcoHI@cs.com)

## **gabbard1 - Carlton**

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**From:** Leslie Hata [hatal@hawaii.rr.com]  
**Sent:** Monday, February 08, 2010 4:53 PM  
**To:** ENETestimony  
**Subject:** SB2210

Please accept this testimony. I sent it at 2:50 pm 2/8/10 and I thought it went through. Checked my email at 4:45 pm and found out it did not go through. Thank you for your kind consideration.

Dear Sir,

I am responding to SB2210 which I feel is very misleading in placing the blame of plastic pollution on commercial and recreational boaters. As recreational fishermen, we are well aware of the problem of plastic and other discards found in the marine environment simply because we witness it all the time. We fishermen are also trying to minimize this problem since it affects our catch and our ocean allies, the sea birds, on whom we depend on to help us locate fish. Fishermen see the trash in the current line, which is often referred to as "trash line" in our Hawaiian waters which usually occurs about 30 miles or more offshore.

Much of the floating objects such logs, tree branches, wooden skips, plastic bags, plastic utensils and bottles, plastic garden pots, plastic spoons, forks and knives could all have originated from shore and even miles inland, dumped in the streets by thoughtless residents who litter.

Bet your bottom dollar that we will be finding a lot of debris in the Pacific gyres from the West Coast, Asia and the Pacific Basin that were washed into the ocean from recent flooding. Remember the news videos of Haleiwa and the Ala Wai Boat Harbors after our recent storms? Where did a lot of floating trash end up? If you answered in the marine environment you are correct.

As an example, I observed Kaipapau Stream in Hauula, Oahu during a flood. It was a raging torrent. The dirty water extended far offshore past the breakers. About a mile or more. What happened to the house that was damaged next to that stream during that storm? Out to sea. This flooding takes place all around our coastal communities and responsible people have to be more diligent to keep plastics and other debris from entering our oceans.

Please do not spend your time on this bill. Many of the boating community are already protectors of our marine ecosystem and we try our best in protecting our beloved ocean.

Mahalo for your consideration.

Les Hata

*Fisherman*

*Member: Waialua Boat Club*



**gabbard1 - Carlton**

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**From:** Brian Funai [bfunai@hawaii.rr.com]  
**Sent:** Monday, February 08, 2010 8:36 PM  
**To:** ENETestimony  
**Subject:** Strong Opposition to S.B 2210

THE SENATE

THE TWENTY-FIFTH LEGISLATURE

REGULAR SESSION OF 2010

COMMITTEE ON ENERGY AND ENVIRONMENT

Senator Mike Gabbard, Chair

Senator J. Kalani English, Vice Chair

COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

Senator Clayton Hee, Chair

Senator Jill N. Tokuda, Vice Chair

NOTICE OF HEARING

**DATE:**  
Tuesday, February 9, 2010

**TIME:**  
2:45 p.m.

**PLACE:**  
Conference Room 225  
State Capitol

415 South Beretania Street

**Testimony in Strong Opposition to S.B 2210 Relating to Pollution**

Chairs Gabbard and Hee, Vice-chairs English and Tokuda, and Honorable Members of the Committee on Energy and Environment and, Committee on Water, Land, Agriculture, and Hawaiian Affairs:

I ask that you please not entertain any further a bill that speaks of such total lack of all common sense and misdirected effort. Further explanation is pointless beyond the single fact that studies of the ocean's plastic pollution has found that the majority of it is from land based sources and not even of this country. A quick tour of the shoreline of Kahuku on any day of the week will demonstrate this fact.

This bill also appears to cater to a certain sector of the tourist industry which appears to inaccurately hold itself above the same responsibility as everyone else by encouraging an exemption within this bill.

Sincerely  
Brian F. Funai  
Kaneohe, Hawaii