

EXECUTIVE CHAMBERS

HONOLULU

July 10, 2006

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 3181

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 3181, entitled "A Bill for an Act Relating to Solid Waste."

The purpose of this bill is to make several changes in Hawaii's deposit beverage container program. Among those changes are including in the program containers with a capacity of up to sixty-eight fluid ounces, allowing consumers to choose to have the refund value of their deposit beverage containers computed by container count for loads of up to 200 containers, and permitting redemption centers to refuse payment for deposit beverage containers that appear to have been previously processed or baled.

This bill is objectionable because the inclusion of sixty-eight-fluid-ounce bottles will make it difficult to recycle these containers; will have little impact on beach or roadside litter; will be difficult, if not impossible, to implement by the bill's effective date; and will have a disproportionate impact on families.

Redeeming the refund value of larger containers will be inconvenient because reverse vending machines do not accommodate containers of this size and they are bulky to haul to recycling centers. These larger containers do not make up a significant portion of beach and roadside litter. The original scope of the beverage container redemption program was single-size servings based on limited data indicting these size containers are a portion, albeit small, of the litter and solid waste stream. This is not true for larger containers up to sixty-eight fluid

ounces in size.

This bill would include the larger containers in the deposit beverage container program as soon as the bill becomes effective. There is no phase-in period, as there was when the original program began, and the industry will not be able to comply with the bill's requirements since the regulation is law at the moment I sign the bill.

Containers this large move off the grocery store shelves more slowly; those currently in stock may take three to five months to sell. New labels take six months to prepare. The combination of a slow-moving product with the required six-month lead time to change labels presents difficult hurdles to implementing this measure that need to be rethought by the Legislature.

It should be noted that containers greater than 1.5 liters are purchased more often by families and those seeking to buy in bulk to conserve funds. Including larger size containers within the fee and deposit requirements of the beverage container program subjects these buyers to the higher costs imposed by this program.

Finally, most of the other changes to the deposit beverage container program included in Senate Bill No. 3181 can be addressed by the Department of Health through the rulemaking process and the Department has signaled its intent to make these changes via administrative rules.

For the foregoing reasons, I am returning Senate Bill No. 3181 without my approval.

Respectfully,



LINDA LINGLE
Governor of Hawaii