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RL:0220

SB 1464 and SB 1498
RELATING TO LITTERING
AND
SB 393, SB 524 and SB 525
RELATING TO BEVERAGE CONTAINERS

Statement to
Senate Committee on Ecology, Environment and Recreation
and
Senate Committee on Consumer Protection
Public Hearing 5 March 1977

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Although the titles of the bills identified above differ somewhat, all of them propose amendments to present State law intended to reduce the problem of litter. The first and the last three of the bills would, in addition, have implications as to recycling of materials. The tenor of this statement has been reviewed by the Legislative Subcommittee of the Environmental Center of the University, but the statement does not reflect an institutional position of the University.

In general, SB 1464 would place a responsibility on the persons or agencies owning or managing land to provide litter containers, would replace the present anti-litter law with a new one, would provide anti-litter oversight responsibilities to the Director of the Office of Environmental Quality Control, and would make the Director responsible for studies to determine more effective means of controlling litter and promoting material recycling.

SB 1498 would amend the present anti-litter law.

SB 393, SB 524, and SB 525 address specifically the problem of litter in the form of discarded beverage containers and propose various controls over the use of such containers or incentives for their return for recycling.

In the past years the Environmental Center has provided detailed comments on a number of beverage container bills. The present assemblage of bills may be categorized as approaching the litter problem in two ways:

- i) Strengthening general anti-litter measures.
- ii) Controlling the use of beverage containers so as to encourage their proper disposal.

These two ways should not be considered incompatible. Effective control of beverage-container litter would contribute significantly to the solution but could not in itself solve the litter problem.

In appraising the effectiveness of controls on beverage container litter, two issues seem to have emerged. One has to do with the relative effectiveness and cost of a program of inducing proper disposal of the containers by industry initiative, industry encouragement of returns of containers, and general litter controls (the Washington approach) versus those of a program involving requirement for the use of returnable containers and deposits on the containers, refundable on return (the Oregon approach).

Members of the staff of the Environmental Center who have most closely reviewed the litter problem and resource-waste problems believe that control of the usage of beverage containers would represent an appropriate contribution to the solution of those problems. This position is based on a number of studies, including those listed below:

1. Bruce Hannon's "Bottles, Cans and Energy."
2. Don Waggoner's "Oregon's Bottle Bill-Two Years Later."
3. Gudger and Walters' "Beverage Container Regulation: Economic Implications and Suggestions for Model Legislation."
4. EPA's "Resource and Environmental Profile Analysis of Nine Beverage container alternatives."

The proposed litter legislation primarily treats the symptom not the cause in requiring methods of disposal and recycling of materials. On the other hand, the proposed beverage container legislation deals with the cause of the problem by emphasizing reduction of waste at the source. Adequate studies have been conducted which show that the container approach works not only in terms of litter, but also in the broader context of environmental protection and conservation. Returnable beverage container systems have been shown to be very effective in reducing the demand for energy and natural resources. Such a system requires increased human labor (jobs). Based on data from Oregon and Washington, the returnable-container system is at least as effective in reducing litter as is the approach which relies heavily on littering citations and enforcement. Therefore, when one considers the whole environmental question and not just the sub-area of litter, conversion to an all-returnable beverage container system becomes an attractive proposition for Hawaii and for the whole nation.

The second issue has to do with the problem of beverage container use on federal establishments. It is true to an extent, especially on Oahu, that the beverage-container litter problem cannot be solved generally unless the solution applies in federal establishments. The Federal Environmental Protection

Agency has issued a directive, effective September 1, 1977, requiring that all beverages sold on federal property be marketed in returnable containers. When these guidelines were proposed, the Office of Environmental Quality Control of this State suggested that the requirement not be enforced in any state such as Hawaii in which a certain percentage (approximately 20%) of its population resided on military establishments. This suggestion was not incorporated into the final guidelines. At present, OEQC is requesting that Hawaii be exempted from the federal requirements on the basis of economic hardship. The office desires that the military cooperate with whatever state litter plan goes into effect. If the requirements for returnable containers are to be incorporated in State law, the federal requirements should be made applicable in Hawaii.

We suggest that any anti-litter legislation adopted contain provisions for assessment of its effects within a year of its implementation.