

832



Sierra Club Hawai'i Chapter

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MEMORANDUM

TO: Governor Linda Lingle
All Members of the Legislature
FROM: Robert D. Harris, Sierra Club (mobile 220-4306)
DATE: July 7, 2009
SUBJECT: Environmental Vetoes/Overrides

Aloha,

We understand you are considering bills to veto or override. We hope you will take a moment to consider the following points regarding the the Sierra Club's opposition or support of specific environmental measures. Please don't hesitate to contact me at any time to discuss these measures: 220-4306 (mobile) or robertharris@mac.com.

Robert D. Harris
Director
Sierra Club, Hawai'i Chapter

MEASURES THE SIERRA CLUB SUPPORTS

Television Recycling (HB 1809)

This measure, *which was introduced and backed by the television industry*, requires recycling of all new televisions sold in Hawaii. It is a logical extension of last year's important e-waste statute (Haw. Rev. Stat. Ch. 339D-1 (Supp. 2008)). Incorporating televisions into the current legislation is critical now as more and more residents purchase high definition televisions.

18 states and New York City have similar measures (see the New York Times article attached). This bill will prevent a torrent of toxic and outdated televisions from ending up in our landfill, where they leach chemicals and potentially pose a danger to public health. Maine, which has a similar statute, reported it collected nearly four pounds of waste per person last year. Wow! With landfill issues on nearly every island, policies to divert waste from landfills should be strongly encouraged. Further, television waste is unique in that it frequently contains toxic

materials, such as lead in the circuit board soldering or in the cathode ray tube, and these materials should be safely removed from our waste stream.

Climate Change Task Force (SB 266)

We understand the general reluctance to embrace “just another task force.” And yet, climate change is not “just another problem.” We know that climate change will severely and negatively impact Hawai`i. There are some very tangible reasons to pass this measure now:

- Should an adaptation plan be developed soon, federal funds are currently available for implementation measures.
- We should be concerned about potentially severe impacts to our tourism and development industries (including the loss of the Waikiki shoreline).
- Our State’s infrastructure investments could be wasted if climate impacts are not considered on a long-term basis in accordance with a smart plan.
- The task force could provide helpful guidance to strategically invest federal and state money towards resilient habitats and agricultural development.

We know that climate change will negatively impact Hawaii. We have a window of opportunity, however, to start planning for climate change and to demonstrate leadership to the other countries in the Pacific. We shouldn’t leave it to our children to figure out how to deal with sea levels that will regularly wash over important coastal roadways; flood storm drainage systems; erode precious beaches; dislocate coastal neighborhoods, visitor areas and industrial zones; lap against airport runways; and poison low-lying freshwater aquifers. Smart planning should start now.

Food and Energy Security (HB 1271)

This bill places a \$1 surcharge on the source of our problem -- dirty, imported oil -- in order to fund our preferred future. The small impact on residents, estimated at a couple of pennies per gallon of gas purchased, will produce benefits far in excess of the fee increase. The money will be used for planning and implementing the state’s clean energy goals and, in particular, leveraging federal stimulus money for clean energy projects such as smart grid infrastructure. In addition, about one-third of the funding raised through the surcharge will be used for a new program to support local food production.

This bill could be one of those rare, successful initiatives that are hailed years from now as the basis for Hawai`i’s clean energy future.

Healthy Schools (HB 1538)

This common sense measure would help reduce students’ exposure to potentially harmful chemicals. Not only will this benefit the environment, it will also help keep students, teachers,

custodial workers, and visitors to our schools safer. Children should not be exposed to potentially harmful chemicals and cleaning substances five days a week.

Give the Little Guys (Opihi) a Break (SB 1)

It is disappointing there are objections to this bill based on unenforceability grounds, particularly when this measure has been discussed for years and there have been numerous opportunities to propose "better" language. In short, stocks of Opihi are being depleted rapidly. This measure should not be held up simply because of procedural objections. If later tweaks are needed based on actual problems with implementation of the bill, then so be it.

MEASURES THE SIERRA CLUB OPPOSES

Campaign Financing Reform (HB 128)

In light of the June 25, 2009 *Tavares v. Wong* decision by the Intermediate Court of Appeals (striking down the current corporate donation limits), it is necessary to stay comprehensive campaign financing reform until a new dialogue about spending limits -- a fundamental part of financing reform -- can occur. The Sierra Club supports the chorus of community organizations, "good government" groups, and advocates who believe that there is too much corporate influence in our democracy. While the Sierra Club's mission is to keep Hawaii's environment clean, it is becoming clearer that the mission can't be achieved with special interests financially backing Hawaii's lawmakers. The pressure to accept funds from corporate political action committees (PAC) places legislators in an untenable position where decisions that they make regarding the interests of that PAC come into question—whether the concerns are real or perceived.

State Lease Revocation (SB 1345)

While we support reasonably compensating farmers and ranchers when State leases (in full or in part) are revoked, we are concerned this bill may give away too much. Haw. Rev. Stat. Ch. 171 already provides due process and compensation for revoked land. This measure goes further and requires that the lease be extended, at the lessee's request, for "not more than the number of years remaining in the original lease" and compensate lessees for "the lost of reasonably anticipated income associated with the withdrawn leased land." This goes far and beyond any other analogous situation and potentially eliminates the State's defenses like the duty to mitigate one's damages.

It is unclear if there is an actual need to "sweeten the pot" for agricultural lessees, particularly when it may hamstring the State from conducting reasonable conservation measures reasonably necessary to preserve and protect State lands for the future.