

**Environmental Management Commission
Public Meeting Written Testimony
May 25, 2022**

According to the Hawaii Department of Transportation study from 2017, approximately 80% of the litter and debris on our roadways comes from unsecured truck bed loads.

We know that unsecured loads are a problem. Sadly, every day people are losing their loads on the roadways because their load is not secured. Within minutes, a lost rubbish bag can be strewn everywhere – hundreds of pieces of litter everywhere within seconds. Worse yet, **lost loads can be dangerous and even deadly.**

The litter and other dangerous objects blow onto our highways, and then into our storm drains, and often end up in the ocean. The litter that doesn't end up in the ocean takes hundreds to thousands of years to decompose into our soil.

During the last decade, there have been many statewide campaigns to educate the public on the Hawaii code regarding a secured load. Unfortunately, these campaigns never gain enough traction with local County Councils to affect any real change.

It has been consistently shown that education campaigns, press releases, banners at the transfer stations, and other efforts to educate the public on the law have failed to produce any real, long-term results on the issue. **Without consistent enforcement of unsecured loads, there has been no real progress in solving this problem.**

This press release is from HDOT in 2017 (this specific campaign was spearheaded in 2004 by a mother whose daughter was injured from an unsecured load, and to honor a 29-year-old man killed due to a 10-pound piece of scrap metal that flew out of a truck bed):

The Hawaii Department of Transportation (HDOT) is joining 43 states and territories to raise awareness of the importance of securing your load on June 6, 2017. On the island of Oahu alone, HDOT crews respond to an average of 5,000 callouts a year for potentially hazardous debris on state roads.

HDOT would like to remind the travelling public that, per the Statewide Traffic Code: "No vehicle shall be moved on any highway, unless the vehicle is so constructed, covered, or loaded as to prevent any of its load... from dropping, sifting, leaking, blowing, spilling, or otherwise escaping..."

A year ago, I founded Trash Free Hawaii Big Island, a volunteer organization that has adopted a section of Queen Ka'ahumanu Highway in Kona. The highway down the street from my house was filled with litter when I drove past it every day from bags of litter and other debris, and I couldn't take it anymore. It was infuriating, and I had to do something.

During the last six highway cleanups of this two-mile section of highway, volunteers have collected 187 bags of litter; hauled 76 truckloads of large and dangerous debris and trash bags to the transfer station; and spent countless hours in the heat and the rain to clean up our highway and our aina.

Most recently, **three large rubbish bags were blown out of truck beds onto the highway while volunteers were cleaning the highway** (May 7, 2022). Two of the bags were retrieved by volunteers before they were strewn everywhere; however, one was strewn on the highway everywhere within minutes (see pictures). Not one of the vehicles stopped to retrieve their lost load.

While the volunteers' efforts address the immediate issue of removing the litter, these efforts do nothing to solve the underlying causes of littering and people losing their loads/debris out of truck beds.

I've been reaching out to state and county departments, as well as Mayor Roth's office, during the past year in the hope of addressing the increasing problem with litter and unsecured loads lost on our roadways here on the Big Island.

In September of 2021, I requested a meeting with Mayor Roth to discuss my suggested five-point plan for addressing the unsecured load/litter problem. In addition to "Adopting-A-Highway," I also created an educational brochure, a "10-on-Tuesday" Big Island campaign, a community social media page for "Trash Free Hawaii," as well as getting media coverage for our "Secure Your Load" efforts in West Hawaii Today.

I was never given a meeting with Mayor Roth. The Deputy Managing Director, Bobby Command, has since communicated to me that *“unsecured loads aren’t really a problem...”*; that he would *“like to take a look at the ordinances that cover this subject...”*; and that maybe I *“should hold off on having another highway cleanup so that we can see if there really is a problem.”*

Alternatively, I appreciate the conversations that I have had with individuals in various state and local agencies that are interested in addressing this problem. I have spoken with several officers in the Kona Police Department (Officer Sluss and Officer Pukahi and the community policing officers help clean up the highway on their day off); the Hawaii District DOT Engineer; employees at the Department of Environmental Management; members of the Environmental Management Commission; and employees at the Solid Waste Division transfer stations.

From the conversations that I have had with individuals in the various agencies, the consensus is the same. Bureaucracy and red tape are preventing us from addressing the issue. The highest levels of our tax-funded, elected Hawaii County officials are passing the buck to the HPD for addressing the litter issue and enforcing the laws. Changes to the County Code in 2020 have made it far more difficult to address this issue. **This is nonsense.**

The DEM recently changed its definition of "unsecured load." **If there is no enforcement of the rules at the SWD transfer stations, a “definition” is pointless.** Dozens of vehicles pull into the transfer stations every single day with unsecured loads. One day recently I sat for 20 minutes at the Kona transfer station and counted 17 trucks that pulled in with an unsecured load.

I have spoken with several transfer station attendants who told me point blank that trucks with unsecured loads are never enforced -- they have no authority to issue citations or turn away unsecured loads. If they were to attempt enforcement of unsecured loads arriving at the transfer station, it is a cumbersome process that would require referral to the police department. The attendants thanked me for my efforts and said they wish they could do more to help.

The HPD is currently understaffed. The HPD is not only responsible for the enforcement of unsecured loads on our roadways, but also are responsible for a host of other non-emergency issues, such as tagging abandoned vehicles, the

homeless problem, noise ordinances, alcohol prohibitions and a wide swath of other community general welfare issues – not including high-priority crime and traffic issues.

We know what we need to do. Let's get our elected officials to do the right thing, change the County Code, and fund positions in the DEM that will enable consistent enforcement of the current law and departmental rules for unsecured loads.

Mahalo,
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References:

Five-point plan ideas to address unsecured loads/littering on Hawaii Island:

- Amend the changes from the 2020 Hawaii County Code to reinstate the county's littering ordinances in chapter 20, re-fund the initiatives and give authority to the DEM to enforce the law and departmental rules.
- Sign placement on our highways regarding the fines/penalties for not securing loads (like the "Click It or Ticket" highway signs and "No Littering" signs)
- Enforcement of current state law and DEM department penalties for unsecured loads at the county transfer station facilities – every load, every time. License plates should be documented, and first-time offenders get warnings/turned around at transfer stations (although the law states that first-time offenders are fined no less than \$250). Repeat offenders get fined a minimum of \$500 and suspension of licenses – **(as per Hawaii Revised Statute 291C-131, see below)**
- Education to the community about the effects and the dangers of unsecured loads (social media campaigns; signage; articles in local newspapers)

- Community support for the "10 on Tuesday" and "Adopt-A-Highway Cleanup" campaigns, including local business owners, educators, community leaders, parents, and residents.

Hawaii Revised Statutes 291C-131 – Spilling loads on highways; penalties

291C-131 Spilling loads on highways; penalties. (a) **No vehicle shall be moved on any highway, unless the vehicle is so constructed, covered, or loaded as to prevent any of its load other than clear water or feathers from live birds from dropping, sifting, leaking, blowing, spilling, or otherwise escaping therefrom,** except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a highway in cleaning or maintaining the highway.

(g) Violation of this section shall be considered an offense as defined in section 701-107(5), shall not be subject to the provisions of chapter 291D, and shall subject the owner or driver of the vehicle, or both, to the following penalties **without possibility of probation or suspension of sentence:**

(1) For a first violation, by a fine of not less than \$250 and not more than \$500.

(2) For a second violation involving a vehicle or driver previously cited under this section within one year:

(A) Suspension of the vehicle registration or suspension of the license of the driver, or both, for not less than five working days but not more than ten working days; and

(B) A fine of not less than \$500 and not more than \$750.

Recent lost bags/litter/debris on the roadways:





KEEPING IT CLEAN

Volunteers remove trash along Kona highway while raising awareness of littering problem on Big Island

BY LAURA RUMINSKI
WEST HAWAII TODAY
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Over 30 volunteers spent Saturday morning cleaning up trash strewn along Queen Ka'ahumanu Highway in Kailua-Kona.

Tina Cooper, founder of Trash Free Hawaii, organized the clean-up event between Hina Lani Street and Kaiminani Drive in response to the amount of litter on island roadways.

"The area was so badly littered that we hauled off five volunteer truck loads to the transfer station, as well as leaving an additional large pile that was picked up by the state DOT on Monday



Volunteers collect trash along Queen Ka'ahumanu Highway on Saturday in Kailua-Kona. COURTESY PHOTO/SPECIAL TO WEST HAWAII TODAY

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Volunteers on Saturday clean up trash along Queen Ka'ahumanu Highway and try to bring awareness on the law regarding securing trash loads.

COURTESY PHOTO/SPECIAL TO WEST HAWAII TODAY

TRASH:

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morning, including tires, about 30 bags of rubbish and shopping carts," she said following the event.

Cooper said everyone worked really hard for several hours in the hot sun on Saturday, but more needs to be done.

"We still have a lot to do in that section of adopted highway from mile marker 94 to 96 on Queen Ka'ahumanu Highway," she said.

Hawaii Police Department Officers Dwayne Sluss and Reuben Pukahi lent a hand at Saturday's clean up.

"Community Policing supports the efforts of the community who are helping to clean up the highways," said Sluss, who along with Pukahi is a member of the Community Policing section in Kona.

"We would like to see more residents tie down their loads while taking their opala to the dump," said Sluss. "It is the law."

According to state law, it is illegal to drive or move a vehicle on any highway "with any load if the load is not entirely covered by a cargo net, tarpaulin, canopy, or other material designed to cover the load to prevent the load from escaping from the vehicle, where the load consists partially or entirely of loose paper, loose rubbish, plastics, empty cartons, dirt, sand, or gravel."

A first violation could result in a fine between \$250 and \$500. A second violation within a year could result in suspension of the vehicle registration or suspension of



About 30 bags of trash were removed Saturday during the clean-up event.

the license of the driver, or both, for not less than five working days but not more than 10 working days; and a fine between \$500 and \$750.

A littering citation may also be issued.

"I've been pushing Mayor Roth to take action on the litter problem here on the island. Our county's Litter Control Board was removed from the county budget. The laws for covered truck loads are not enforced. The problem of litter is not going to go away unless there is greater enforcement by the police department of Hawaii state laws, as well as enforcement of covered load laws at transfer stations," Cooper said.

She said Roth is fully on board with trying to solve the issue and that he appreciated her bringing this to his attention.

"He was not aware that there was in the past a Litter Control Board and that it had been removed from the county budget prior to his administration," she said.

Mike Kaha, deputy chief at the county's Solid Waste Division, on Wednesday said he agrees littering is a problem on the island. It's included in the department's rules, but enforcement proposals are still being floated and have been met with resistance.

For now, enforcement is in the hands of the Hawaii Police Department. Tips regarding unsecured loads causing litter and traffic hazards should be reported to the police nonemergency line at (808) 935-3311.

"We are moving forward with banners at the transfer stations reminding drivers to secure their loads," Kaha said, with education being the first step before enforcement at the stations.

The next clean-up will be held Saturday, Dec. 4, with participants meeting at 8 a.m. in front of Pine Tree Cafe/Matsuyama Store. Volunteers are needed.

For more information, visit the Trash Free Hawaii Facebook page.

Did you know?



- The majority of rubbish on our roadways comes from unsecured loads.
- According to Hawaii State Law, a vehicle must be covered in such a way as to prevent any of its load from "dropping, sifting, leaking, blowing, spilling, or otherwise escaping" onto a highway.
- If convicted, a first-time violator faces a fine of \$250 to \$500 and four hours of community service picking up litter.

Always secure your load!



MALAMA 'AINA

80% of litter found in our local waterways originated from land.

Litter knows no boundaries.



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Did you know?



This is how long it takes to decompose the following items:

- **Plastic bottles: 450 years**
- **Aluminum cans: 80-100 years**
- **Fishing line: 600 years**
- **Cigarette butts: up to 10 years**
- **Plastic bags: 10-1,000 years**
- **Foamed plastic cups: 50 years**
- **Straws: 200 years**
- **6-pack holders: 450 years**
- **Tin: 50 years**
- **Tires: 2,000 years**
- **Glass Bottle: 1 million years**

TAKE THE "10 ON TUESDAY" PLEDGE

**TOGETHER, WE CAN MAKE A
DIFFERENCE**



Did you know?
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Oceanographers and ecologists recently discovered that about 70% of marine litter actually sinks to the bottom of the ocean.

The Pacific Garbage Patch is miniscule compared to the amount of litter on the ocean floor and below the ocean floor.



Take the "10 on Tuesday" Pledge

If just 5,000 people picked up 10 pieces of trash once a week for a year, the Big Island would reduce litter by 2.6 million pieces. That means our streets would look nicer, the air we breathe would be fresher, our water supply would be cleaner and our oceans would be less polluted.

The "10 on Tuesday" pledge campaign encourages Big Island families, businesses and schools to make a pledge to pick up at least 10 pieces of trash every Tuesday, or once a the week.



Trash Isn't Beautiful

Business owners, neighbors, tourists and visitors, as well as students and educators -- We invite you take the "10 on Tuesday" pledge and share your story with us. We'd like to know and share with the community how you're making a difference by being Litter-Free in your community. Mahalo nui for your efforts!