
A BILL FOR AN ACT

RELATING TO SOLID WASTE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the State has taken
2 significant strides over the past several years to protect and
3 preserve Hawaii's precious resources and its environment.
4 Recent examples such as the deposit beverage container recycling
5 program and the work of the 2050 sustainability task force have
6 furthered efforts toward Hawaii becoming the premier renewable
7 and environmentally conscious state in the country.

8 Polystyrene foam (commonly referred to as "styrofoam") is
9 generally used to make cups, bowls, plates, trays, clamshell
10 containers, meat trays, and egg cartons. The legislature finds
11 that the use and disposal of these polystyrene foam food
12 service-ware products pose a significant threat not only to
13 Hawaii's ecosystems and environment but also to the general
14 health and welfare of the citizens of this State.

15 While the legislature recognizes the use of polystyrene
16 foam as a sturdy, sanitary, economical, and convenient product
17 for Hawaii's food service industries, the inherent



1 nonbiodegradable nature and chemical composition of these
2 products raise serious concerns.

3 Polystyrene foam is a nonrenewable petroleum byproduct
4 composed of the chemicals styrene and benzene. Benzene is
5 classified as a human carcinogen. Styrene is a neurotoxin, and
6 it is also suspected to cause cancer. The United States
7 Environmental Protection Agency currently is conducting an
8 integrated risk information system review to establish whether
9 to formally classify styrene as a carcinogen. There also exist
10 concerns that styrene may leach into food and liquids when they
11 are heated in polystyrene foam food service-ware products. The
12 legislature further finds that eating foods heated in these
13 containers may pose a potential threat to human health.

14 Due to their inherent nonbiodegradable nonrecyclable
15 nature, polystyrene foam products take hundreds of years to
16 decompose. Therefore, the legislature further finds that these
17 products pose a significant detrimental long-term impact upon
18 Hawaii's environment and ecosystems.

19 Used polystyrene foam products are often buried in
20 landfills across the State. The legislature further finds that
21 these products take up a substantial percentage of available



1 landfill space, and that this practice should be curtailed,
2 given the present lack of available landfill space in the State.

3 The legislature further finds that as polystyrene foam
4 breaks down in the State's landfills, dangerous chemicals are
5 leaching into the seepage of the landfills. This seepage is
6 pumped out of the landfill and inadequately processed and
7 treated before being discharged into the ocean, and this
8 practice threatens marine ecosystems around the State.

9 When polystyrene foam is incinerated at the Honolulu waste
10 energy recovery facility, it produces a dense, black, irritating
11 smoke that contains acidic gases, carbon monoxide, carbon
12 dioxide, and styrene. The National Bureau of Standards Center
13 for Fire Research has identified fifty-seven chemical byproducts
14 that are released during the combustion of polystyrene foam.
15 Many of these chemical compounds have been found to contribute
16 to global warming and are a definite threat to human health. In
17 addition, residual ash, a necessary byproduct of the
18 incineration process, is ultimately placed in the State's
19 landfills. This ash contains many of the dangerous chemicals
20 that leach into the seepage of the landfills and have an adverse
21 impact upon Hawaii's ecosystems and environment.



1 **§ -1 Definitions.** As used in this chapter, unless the
2 context otherwise requires:

3 "Department" means the department of health.

4 "Disposable food service-ware" means all containers, bowls,
5 plates, trays, cartons, cups, and other items that are designed
6 for one-time use to contain prepared foods, including without
7 limitation, food service-ware for takeout foods and leftovers
8 from partially consumed meals.

9 "Polystyrene foam" means blown polystyrene and expanded and
10 extruded foams (commonly referred to as "styrofoam") that are
11 thermoplastic petrochemical materials utilizing a styrene
12 monomer and processed by any number of techniques including, but
13 not limited to, the fusion of polymer spheres (expandable bead
14 polystyrene), injection molding, foam molding, and extrusion-
15 blown molding (extruded foam polystyrene).

16 "Prepared food" means food or beverages that are served,
17 packaged, cooked, chopped, sliced, mixed, brewed, frozen,
18 squeezed, or otherwise prepared on a food vendor's premises or
19 within the State.

20 **§ -2 Prohibition on polystyrene foam disposable food**
21 **service-ware.** Beginning January 1, 2010:



1 (1) Restaurants, retail food vendors, nonprofit and
2 government food providers, and packagers that serve,
3 vend, provide, or package prepared food in the State
4 are prohibited from providing or selling prepared food
5 in disposable food service-ware that contains
6 polystyrene foam;

7 (2) State and county agencies are prohibited from
8 purchasing, acquiring, or using disposable food
9 service-ware that contains polystyrene foam; and

10 (3) Public contractors and lessees are prohibited from
11 using disposable food service-ware that contains
12 polystyrene foam in state or county facilities while
13 performing under a government contract or lease.

14 **§ -3 Rules.** The department shall adopt rules, pursuant
15 to chapter 91, as may be necessary to carry out the purpose of
16 this chapter.

17 **§ -4 Penalties.** Any person violating this chapter shall
18 be subject to:

19 (1) For a first violation, or any violation not preceded
20 within a one-year period by a violation of this
21 chapter, a fine of not more than \$250 per violation;
22 and



1 (2) For a second or subsequent violation within one year
2 of the last violation of this chapter, a fine of not
3 more than \$500 per violation."

4 SECTION 3. The department of health, in coordination with
5 the department of business, economic development, and tourism,
6 shall establish a program to educate the general public and the
7 food service industry about the threats posed by polystyrene
8 foam and encourage early compliance with this Act.

9 As part of this program, the department of business,
10 economic development, and tourism shall create, regularly
11 update, distribute, and make available a list of alternative
12 forms of biodegradable or compostable food service-ware products
13 that do not contain polystyrene foam.

14 SECTION 4. The department of business, economic
15 development, and tourism shall evaluate the feasibility and
16 potential for production of biodegradable disposable food
17 service-ware products within the State and report its findings
18 and recommendations to the legislature no later than twenty days
19 prior to the convening of the 2010 regular session.

20 SECTION 5. The department of health, in consultation with
21 the counties and relevant state agencies, and with input from
22 members of the public, shall submit a report recommending



1 changes to this Act, if necessary, including whether the ban
2 imposed by this Act should be extended to other products, to the
3 legislature no later than twenty days prior to the convening of
4 the 2011 regular session.

5 SECTION 6. There is appropriated out of the environmental
6 response revolving fund the sum of \$750,000 or so much thereof
7 as may be necessary for fiscal year 2008-2009 for the purposes
8 of this Act.

9 The sum appropriated shall be expended by the department of
10 health for the purposes of this Act.

11 SECTION 7. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun, before its effective date.

14 SECTION 8. This Act shall take effect on July 1, 2008.
15

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Report Title:

Solid Waste; Polystyrene Foam; Prohibition

Description:

Prohibits the use of polystyrene foam as a disposable food service-ware product. Effective 7/1/08.

