

Honolulu, Hawaii

Feb 5, 2008

RE: H.B. No. 2495
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 2495 entitled:

"A BILL FOR AN ACT RELATING TO SOLID WASTE,"

begs leave to report as follows:

The purpose of this bill is to protect Hawaii's fragile environment by prohibiting the use of polystyrene foam, commonly known as Styrofoam, as a disposable food service-ware product.

The Councilmember for District 6 of the Hawaii County Council, UH-Hilo Student Association, TOWN, Syrophobia LLC, Malolo Beverages and Supplies, Ltd., Lani Hau Design, Summa Hawaii Inc., Diamond Head Cove LLC, the Windward Ahupua'a Alliance, and numerous concerned individuals testified in support of this bill. The Department of Business, Economic Development, and Tourism (DBEDT) supported the intent of this measure. The Department of Health (DOH), Hawaii Foam Products, LLC, American Chemical Council, and Hawaii Food Industry Association testified in opposition to this bill. A concerned individual submitted comments.

Your Committee finds that Styrofoam cups, clamshell containers, egg cartons, meat trays, and numerous other items made from polystyrene foam pose a significant threat to the numerous, and oftentimes fragile, ecosystems that exist in Hawaii. The petroleum based foam is a nonrenewable resource and contains benzene, a chemical that has been classified as a human



carcinogen. In recognition of the state's fragile environment, growing waste stream, limited availability of landfill space, and a growing awareness of the devastating consequences of global warming, all of which Styrofoam plays a part in, it is essential that nonprofit and for profit entities have an environmental component in their business plan, as many already do in Hawaii.

The replacement of Styrofoam items with their biodegradable counterparts must be a comprehensive and concerted effort. Styrofoam containers can be found everywhere, from the super market, to the local drive-in or lunch wagon, to any place serving take-out food. It has become a convenience in satisfying the consumer demands especially in the food service industry. However, the problem is that you can also find these containers in the street, streambeds, and along our highways and roadways, affecting not only the beauty of our island state but also causing harm to our environment.

The cost to the state's environment is more certain than the cost to implement a ban on Styrofoam items in the food service industry. Your Committee is encouraged by the cost incurred by the San Francisco Department of the Environment (SF) in implementing the city's similar ban of disposable food service-ware products. Based on SF's implementation program, it is estimated that Hawaii's program could cost less than \$200,000. SF's implementation efforts included:

- (1) A six-month education program;
- (2) Two mailings to the 6,000 food-service establishments in the city;
- (3) Five to six food service-ware events across the city that allowed the public and businesses to ask questions, get answers, and see the many available alternatives;
- (4) Working with food distributors to provide them, at the lowest possible cost, with as many Styrofoam alternative product options as possible, and make that information available and accessible to the public; and
- (5) The use of volunteers, who played a critical role by going door-to-door, talking to businesses and providing information.



It should be noted that SF implemented its ban with no funding or appropriation.

The fact that what Hawaii does today to protect its fragile environment will not only impact our current lives but also the lives of Hawaii's children gives this bill even greater importance. Nevertheless, your Committee understands the concerns raised by those opposing this measure and encourages further input from all stakeholders on this important matter as it passes through the legislative process.

Accordingly, your Committee has amended this bill by:

- (1) Clarifying the terms "biodegradable" and "compostable" as those terms are used in the program established by DOH to educate the general public and the food service industry, and DBEDT to analyze the feasibility of producing biodegradable disposable food service-ware in Hawaii;
- (2) Deleting from the definition of "prepared food" the unnecessary statement that prepared food may be eaten either on or off the premises and is known as "takeout food";
- (3) Adding to the definition section "department" means Department of Health;
- (4) Requiring DOH to adopt rules to implement the ban on Styrofoam food service-ware, instead of the counties, since the ban is statewide;
- (5) Adding county facilities to those facilities that prohibit public contractors and lessees from using disposable food service-ware that contains polystyrene foam while performing under a government contract or lease;
- (6) Requiring DBEDT, alone and as the better-suited state agency, to evaluate the feasibility and potential of producing biodegradable disposal food service-ware in Hawaii, instead of the Department of Agriculture in coordination with DBEDT;
- (7) Adding a savings clause applicable to matters that were begun before the effective date of this Act;



- (8) Changing the appropriation amount to an unspecified sum to encourage further discussion; and
- (9) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2495, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2495, H.D. 1, and be referred to the Committees on Economic Development & Business Concerns and Agriculture.

Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,



HERMINA MORITA, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: HB 2495	Committee Referral: EEP, EDB/AGR, FIN	Date: 1/31/08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. MORITA, Hermina M. (C)	✓			
2. CARROLL, Mele (VC)	✓			
3. ITO, Ken	✓			
4. KARAMATSU, Jon Riki		✓		
5. MAGAOAY, Michael Y.	✓			
6. SAGUM, Roland D., III	✓			
7. SAIKI, Scott K.	✓			
8. THIELEN, Cynthia	✓			
TOTAL (8)	7	1		
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u>Mele Carroll</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				