

STAND. COM. REP. NO. 2514

Honolulu, Hawaii

FEB 15 2008

RE: S.B. No. 2629  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Madam:

Your Committee on Energy and Environment, to which was referred S.B. No. 2629 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to prohibit the use of polystyrene food containers by restaurants and takeout food operations.

Specifically, this measure:

- (1) Prohibits the use of polystyrene foam takeout food containers beginning January 1, 2010;
- (2) Requires the Department of Health to create a list of alternatives to polystyrene containers and make the information available to the public; and
- (4) Makes an appropriation of funds to implement and support the measure.

Testimony in support of this measure was submitted by KAHEA: The Hawaiian-Environmental Alliance, Styrophobia, Conservation Council for Hawaii, Sierra Club, World Centric, Sustainable Island Products, Uahi Island Grill, and 194 private citizens. Testimony in opposition to this measure was submitted by the Director of Health, American Chemistry Council, Hawaii Food industry



Association, and Hawaii Foam Products LLC. Comments were submitted by the Hawaii Restaurant Association.

Your Committee notes that over forty employees of the Hawaii Foam Products LLC were in attendance at the hearing.

Your Committee finds that it is in the interest of protecting the public health and safety to prohibit the use of polystyrene food containers by restaurants and take-out food operations.

Your Committee further finds that there are several unaddressed issues related to this measure that require further discussion and consideration; specifically:

- (1) The context and content of laws, rules, and regulations that restrict or ban polystyrene foam products in other states and municipalities;
- (2) The collection and analysis of data regarding the amount of polystyrene foam and the types of polystyrene foam products being currently disposed of in landfills and incinerated in the HPOWER waste-to-energy facility;
- (3) The extent to which polystyrene foam is creating pollution related adversity throughout the State, especially in regards to landfill use and improper disposal (littering);
- (4) The establishment of an appropriate transition period to allow time for businesses providing polystyrene products and equipment, to upgrade facilities, minimize economic loss, and prevent loss of employment opportunities; and
- (5) An understanding of the availability of alternative products, the associated costs of the alternative products, and the effect of the measure on alternative product costs, especially in consideration of supply and demand economics and the effect of further advances in related technology.

Accordingly, your Committee has amended this measure by:

- (1) Appropriating an unspecified amount to allow for further discussion and consideration;



- (2) Removing an exemption for packaging for hot beverages;
- (3) Requiring the Department of Agriculture to evaluate and report to the Legislature regarding the feasibility and potential for the production of biodegradable disposable food service-ware products within the State;
- (4) Requiring the Department of Health to submit a report to the Legislature recommending any needed changes to the ban imposed by this measure, including whether the ban should be modified or extended to other products;
- (5) Removing the effective date; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Energy and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2629, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2629, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Energy and  
Environment,



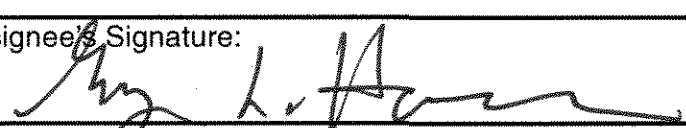
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RON MENOR, Chair



The Senate  
Twenty-Fourth Legislature  
State of Hawaii

Record of Votes  
Committee on Energy and Environment  
ENE

Bill / Resolution No.:* <b>SB 2629</b>	Committee Referral: <b>ENE, WAM</b>	Date: <b>2/12/08</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
MENOR, Ron (C)	✓			
HOOSER, Gary L. (VC)	✓			
IHARA, Jr., Les	✓			
KOKUBUN, Russell S.				✓
TRIMBLE, Gordon	<del>4/15</del>		✓	
<b>TOTAL</b>	<b>3</b>		<b>1</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:             Original     Yellow     Pink File with Committee Report     Clerk's Office     Drafting Agency				

\*Only one measure per Record of Votes