

**DEPARTMENT OF BUSINESS,  
ECONOMIC DEVELOPMENT & TOURISM**

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Statement of  
**THEODORE E. LIU**  
**Director**  
Department of Business, Economic Development, and Tourism  
before the  
**HOUSE COMMITTEE ON  
ECONOMIC DEVELOPMENT AND BUSINESS CONCERNS**  
Friday, April 4, 2008  
9:30 a.m.  
State Capitol, Conference Room 325

in consideration of  
**HCR192-HR161**  
**REQUESTING THE ESTABLISHMENT OF A VOLUNTARY COMPLIANCE  
PROGRAM TO ENCOURAGE COMMUNITIES AND BUSINESSES TO CONVERT TO  
EXPANDED POLY-STYRENE FOAM ALTERNATIVE PRODUCTS.**

Chair Yamashita, Vice Chair Wakai, and Members of the Committee.

Department of Business, Economic Development, and Tourism (DBEDT) agrees that since the environmental and health-related impacts of expanded polystyrene foam can pose a significant threat to the marine environment and wildlife in and around the State of Hawaii, communities and businesses should be encouraged to purchase more environmentally friendly alternatives. While the use of environmentally friendly biodegradable, compostable, or recyclable food service-ware products as an alternative to expanded polystyrene foam has been successfully modeled in Haleiwa Town's "Plastic Free Haleiwa Coalition's" efforts to reduce and ultimately eliminate the use of disposable plastics in their community, having DBEDT develop a "voluntary compliance program" to do so will involve additional resources, staff time and funding. Having DBEDT also develop a list of alternatives to commonly used expanded

polystyrene foam products, make the information known to the public, and submit a report to the legislature, will require resources and funding that are not currently available to enable DBEDT to create and maintain such a program at this time.

Therefore, we respectfully request that this resolution be held.

Thank you for the opportunity to offer these comments



**MEMORANDUM – April 2, 2008**

To: The Honorable Kyle T. Yamashita, Chair  
House Economic Development & Business Concerns Committee

From: Tim Shestek  
Director, State Affairs & Grassroots  
American Chemistry Council

Re: **HCR 192 & HR 161 - OPPOSE**

The American Chemistry Council (ACC) must respectfully oppose HCR 192 and HR 161, resolutions requesting the establishment of a voluntary compliance program to encourage communities and businesses to convert to expanded polystyrene foam alternative products. The following information is meant to clarify several misstatements and inaccuracies contained in the WHEREAS sections of both resolutions.

Unfortunately, these resolutions fail to consider the resource conserving benefits of polystyrene foam products and make the false assumption that replacement products are somehow manufactured in a vacuum without the use of any raw materials, energy, or water, or fuel to deliver the product. Polystyrene foam foodservice products, when compared to other food service containers, are very efficient in terms of minimizing air emissions, energy used in the manufacturing process and in reducing the amount of waterborne waste generated during the manufacturing process.

**STYRENE IN CONTEXT**

Polystyrene is made from the chemical styrene. Modern man has known about styrene for centuries. A naturally occurring substance, styrene is present in many foods and beverages, including wheat, beef, strawberries, peanuts and coffee beans. Also found in the spice cinnamon, its chemical structure is similar to cinnamic aldehyde, the chemical component that elicits cinnamon's flavor. It is naturally present to flavor foods, and is used as a flavoring additive to such food as baked goods, frozen dairy products, soft candy, and gelatins and puddings, with permission from the U.S. Food and Drug Administration (FDA). Styrene is not harmful in the very small amounts we sometimes may encounter in air or food.

Most people are exposed to styrene every day in tiny amounts that may be present in the air, or that occur in food (see 1st paragraph.) These generally are trace amounts, which were difficult to detect until recent technological advances occurred. Some people confuse styrene, which is a liquid, with polystyrene, which is a solid plastic made from polymerized styrene. Styrene and polystyrene are fundamentally different. Polystyrene is inert and has no smell of styrene. As a

polymerized form of styrene, polystyrene is not chemically the same substance as styrene. Also, any residual styrene present in a polystyrene foodservice container is so small that it does not cause negative health effects.

### **CLARIFYING MIS-STATEMENTS ABOUT POLYSTYRENE**

From a health perspective, there is absolutely no “contamination” of food in polystyrene packaging. Polystyrene foodservice disposables meet stringent U.S. Food and Drug Administration (FDA) standards for use in food-contact packaging and have been in use for over 50 years with a proven safety record. FDA, which regulates plastics used in food contact applications, the National Academy of Sciences (NAS), and other highly regarded federal authorities rely not on opinions, but on the weight of validated scientific evidence. The weight of scientific evidence overwhelmingly supports the safe use of polystyrene in food contact applications.

After an exhaustive assessment of styrene’s possible health and environmental effects, an important decision was made in 1994 by the government agencies Health Canada and Environment Canada. These agencies concluded that styrene is "non-toxic" for regulatory purposes. **Health Canada found that styrene "does not constitute a danger to human life and health" and "does not constitute a danger to the environment on which human life depends."**

Moreover, according to the Harvard Center for Risk Analysis (HCRA) report "A Comprehensive Evaluation of the Potential Health Risks Associated with Occupational and Environmental Exposure to Styrene," which was published in the Journal of Toxicology and Environmental Health, Volume 5, Number 1-2 (Part B: Critical Reviews), January-June 2002, **"The margins of exposure estimated for oral exposure to styrene from food, whether naturally occurring or as a result of migration from food packaging or other food contact items, indicate that risks are quite low and of no concern. The comparison dose used to derive the margins of exposure was obtained from a study using newborn rats, so those margins of exposure are expected to be protective of children as well as adults."**

### **ENVIRONMENTAL BENEFITS OF POLYSTYRENE**

All foodservice products – regardless of the material from which they are made – require the use of various natural resources (i.e. energy, water, etc.) across their product life cycle in the manufacturing process. A 2006 Life Cycle Inventory (LCI) study by Franklin and Associates showed that polystyrene foam foodservice products, when compared to other food service containers, are very efficient in terms of minimizing air emissions, energy used in the manufacturing process and in reducing the amount of waterborne waste generated during the manufacturing process. Calls to ban one material type without examining or considering the life-cycle impacts of polystyrene manufacturing and makes the false assumption that those products that would replace polystyrene are somehow manufactured in a vacuum without the use of any raw materials, energy, or water, or fuel to deliver the product.

### **ECONOMIC BENEFITS OF POLYSTYRENE PRODUCTS**

Polystyrene foodservice products are generally more economical to use than other disposable foodservice products and reusable food service items. The wholesale price of single-use polystyrene foodservice products is often approximately two to three times less than other single-

use containers, and four to five times less than a comparable reusable foodservice item when the costs of equipment, labor, water, electricity, and detergent costs are included. This allows schools, hospitals and other institutions to make better use of their limited budgets.

### **FACTS ABOUT DEGRADABLE CONTAINERS & MARINE DEBRIS**

When considering policies to reduce litter and marine debris, some have suggested that “biobased” or “degradable containers” may be an answer. *However, bio-based containers only “degrade” in a controlled composting environment – essentially a large industrial facility where temperatures can exceed 140 degrees for several days. These containers do not degrade if littered along side the road, deposited into a trash can, nor will they degrade if they make their way into a storm drain or other water body.*

Furthermore, some recyclers and end-users of recycled plastic material have raised concerns over how bio-based containers pose a real and significant threat to the current plastics recycling stream.

An article written by Elizabeth Royte and published in the Smithsonian Magazine (August, 2006) raised many of these environmental issues associated with using biodegradable packaging. Royte writes “But PLA has considerable drawbacks that haven’t been publicized...it turns out that there’s no free lunch after all, regardless of what its container is made of...” Royte also writes “the cultivation of corn uses more nitrogen fertilizer, more herbicides and more insecticides than any other U.S. crop; those practices contribute to soil erosion and water pollution when nitrogen runs off fields into streams and rivers.” **One must acknowledge the environmental trade-offs associated with the use of any packaging material and whether a mandate to use one particular type of container or product will have the desired result of reducing litter and/or marine debris.**

### **WORKING TOGETHER TO ADDRESS MARINE DEBRIS AND LITTER**

Though we oppose bans on polystyrene food service products, ACC believes that all stakeholders, including our industry, grocers, retailers, and government agencies can and should play an active role in reducing litter and marine debris. Specific activities that can be undertaken include:

- Continue and expand litter cleanups organized by organizations like Keep America Beautiful.
- Increase the availability of trash, recycling and cigarette butt receptacles at public places, schools, and commercial establishments statewide.
- Promote environmental education and outreach on the impacts of marine debris and litter prevention.
- Direct all state agencies to implement a coordinated and robust statewide anti-litter campaign.

All of these activities must include the active participation of industry stakeholders, packaging manufacturers, retailers, restaurants, and the public sector if we are to be successful in reducing litter and marine debris.

Thank you for the opportunity to provide these comments. Should you have any questions or comments please contact our in-state representatives Red Morris and John Radcliffe at 808-531-4551 or you may contact me at 916-448-2581.



## HAWAII FOOD INDUSTRY ASSOCIATION

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April 4, 2008

To: House Committee on Economical Development & Business Concerns  
Rep. Kyle T. Yamashita, Chair / Rep. Glenn Wakai, Vice Chair

By: Lauren Zirbel, Gov't Relations, or Richard C. Botti, Pres.

Re: HCR 192 HR 161 REQUESTING THE ESTABLISHMENT OF A VOLUNTRARY COMPLIANCE PROGRAM TO ENCOURAGE COMMUNITIES AND BUSINESSES TO CONVERT TO EXPANDED POLYSTYRENE FOAM ALTERNATIVE PRODUCTS.

Chairs & Committee Members:

While we have no problems with the purpose of this resolution, we strongly oppose the WHEREASES that are inaccurate and false. We question how such information that lacks credible background can be introduce as fact.

We request that the resolution title and content be amended to provide the Legislature with factual information on polystyrene so that the Legislature will have facts that are created by and from the Legislative Reference Bureau (LRB) rather than pulling inaccurate information from unreliable sources.

The Legislature can only make proper decisions based on accurate information. Once we have accurate information, the issue can be better addressed.

We have presented the introducer of this Resolution with a DVD showing how schools in Massachusetts recycle polystyrene food-ware and food waste at the same time. Polystyrene is not the criminal that this resolutions claims. It is manufactured recycled right here in Kalihi. It is possible to expand polystyrene recycling in Hawaii, which would allow for greater sustainability with lower prices, while creating local jobs. Is this bad?

What this measure will do it to reduce jobs in Hawaii, encourage imports from China as well as the Mainland, and raise prices to government run food service facilities, private food service establishments, and grocery stores that currently use polystyrene meat trays.

We suggest that you take the time to tour the company that employees over 100 employees manufacturing polystyrene trays in Hawaii, providing a substantial savings over imported products. All certified by FDA to be used for food products.



**SUSTAINABLE**  
ISLAND PRODUCTS

Testimony before the:  
Committee on Economic Development and Business Concerns (EDB)  
Chair Yamashita, Vice Chair Wakai and members of the committee  
April 4<sup>th</sup>, 2008 9:30am, conference room 325

Re: HCR 192 Supporting voluntary compliance program for businesses and communities to use biodegradable alternatives to Styrofoam, similar to "Plastic Free Haleiwa"

Aloha Chair Yamashita, Vice-Chair Wakai and Members of the Committee:

As the founder of Sustainable Island Products, a distribution company that exclusively sells biodegradable food & drink to-go supplies in Hawaii, I submit that there is a prevailing shift in the market for single use disposables.

Serving Hawaii County and other islands, and with a growth rate of over 20% per quarter, we have a customer base that is committed to transitioning away from products that are toxic to humans, creatures and the environment.

The public not only wants safer products (as seen by their adoption of them) but is willing to invest extra capital to support the cause of Sustainability for our islands.

Single use disposables are used more per capita in the State of Hawaii than in any other state. The import or manufacture of these products will inevitably continue.

**Your public takes pride in being environmentally responsible.**

- Successful Programs on the big island
  - Kuleana Green Business Program
  - Recycle Hawaii's Green Business Program
- Small, locally-owned businesses often step-up first in support of these initiatives and "make an investment" in their communities by paying a slightly higher cost for these environmentally preferable products.
- **The State saves money in waste handling by:**
  - Decreased & cleaner emissions from incineration of plant based vs. petroleum based trash
  - No ground water contamination & less roadside litter by use of biodegradables
  - Opportunity to turn this "waste" stream into soil at composting facilities.
  - Long-term cost savings by use of annually renewable based products vs. petroleum.

I am writing in strong support of HCR192 , Supporting voluntary compliance program for businesses and communities to use biodegradable alternatives to Styrofoam, similar to "Plastic Free Haleiwa"

I hope you will support HCR 192, and the future of our beautiful but fragile paradise.

Sincerely,  
Jesse Law, President



**HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT & BUSINESS CONCERNS**

Friday, April 4, 2008 - 9:30 A.M. – State Capitol Room 325

**Re: Strong support for HCR192/HR161 – REQUESTING THE ESTABLISHMENT OF A VOLUNTARY COMPLIANCE PROGRAM TO ENCOURAGE COMMUNITIES AND BUSINESSES TO CONVERT TO EXPANDED POLYSTYRENE FOAM ALTERNATIVE PRODUCTS.**

Aloha Chair Yamashita, Vice-Chair Wakai, and Members of the Committee:

My name is George White, a second year-law student at the University of Hawaii, and creator of stopstyrofoamhawaii.org. I am writing in strong support of HCR192/HR161, which urges the Department of Business, Economic Development & Taxation (DBEDT) to encourage businesses and communities across the State to voluntarily utilize styrofoam alternative products.

The resolutions before you represent the product of months of research, discussion and debate, and the beginning of a conversation here in Hawaii, that has been happening in municipalities and states across the Country, and around World, for the last two decades.

The harmful effects of one-time use styrofoam products is incontrovertible stretching from the petroleum it takes to produce it, the health issues it raises for the consumer, to the detrimental impact and threat it poses to Hawaii's environment and ecosystems.

There are readily available and affordable alternatives to styrofoam food-service products and businesses and vendors around the State are already engaged in efforts to be more environmentally conscious, offering Hawaii's consumers eco-friendly alternatives to styrofoam. One such example, as the Resolutions identify, is Plastic Free Haleiwa, a coalition of community members and business owners in Haleiwa Town which strives to educate stores, restaurants and patrons on the environmental, health, and community benefits of going styrofoam-free.

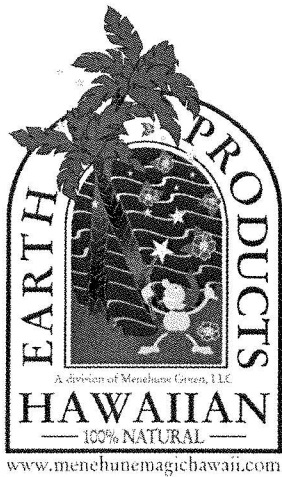
It is incumbent upon this Legislature to encourage and promote these voluntary, community-driven campaigns that educate and inform both businesses and the public, and transform consumer habits and lifestyle.

HCR192/HR161 is definitely a step in the right direction toward a more environmentally-conscious and sustainable Hawaii. As a supplement to this testimony, I will provide to this Committee at the hearing, a petition signed by over 700 individuals, in a span of just 4 days, urging this Legislature to support and adopt the Resolutions before you today.

With efforts such as those urged in these resolutions, and by working together, we can make a huge difference for our Hawaii, for today, and for all of our tomorrows. Thank you for this opportunity to provide testimony and for your support of this important issue.

Mahalo nui loa –

**George White**



A division of Menchune Green LLC

**Attn. Committee on Economic Development and Business Concerns(EDB) Chair Yamashita, Vice Chair Wakai and members of the committee**

**April 4<sup>th</sup>, 2008 9:30am, Conference Room 325**

**RE: HCR 192**

Hawaiian Earth Products, the State's largest commercial composting facility, is in support of the proposed resolutions HCR 192.

There are biodegradable and compostable alternatives to both plastic bags and styrofoam, which if used, would support composting of foodwaste throughout the islands. These alternatives could significantly improve the efficiency of a composting facility if implemented correctly and proper guidelines are followed . The crucial element is education and enforceable guidelines to eliminate cross contamination of non-biodegradeable materials while sorted and collected.

Hawaiian Earth Products currently processes Greenwaste, Clean Woodwaste (Untreated-Unpainted) and Pre-Consumer Fruit and Vegetable waste. While this has significantly reduced landfill volumes, the shift to include Post-Consumer Foodwaste and compostable food service packaging would have the greatest impact on landfill diversion. In addition, these wastes have a high nitrogen component, an excellent amendment to our existing compost and for agricultural use of finished organic compost. Greenwaste and Organics recycling is crucial to meeting the states goals, as it has the largest impact on reducing material going to thelandfill, is the most cost effective, and offers farmers reduced operational costs and improved crops. Compost further reduces water consumption, petroleum-based fertilizers, and herbicides. This will reduce run-off and ocean pollution protecting the environment in a sustainable practice preserving natural resources.

In the composting operation, our biggest concern is contaminants, which do not biodegrade. Plastics such as bags and styrofoam are such contaminants – difficult and expensive to remove. Please support these resolutions as a positive direction in meeting the recycling goals of Hawaii and preserving sustainable resources.

If you require additional information please contact me at 808-682-5895.

Mahalo,

Ron Westmoreland  
Menchune Green LLC  
Dba Hawaiian Earth Products  
91-400 Malakole Street  
Kapolei, HI 96707  
Office 808-682-5895  
Fax 808-682-0762

**91-400 Malakole St. \* Kapolei, HI 96707 \* Phone 682-5895 Fax 682-0762**

wakai1-Karen

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**From:** Windward Ahupua`a Alliance [info@waa-hawaii.org]  
**Sent:** Thursday, April 03, 2008 1:07 PM  
**To:** EDBtestimony  
**Subject:** HCR192/HR161 - Styrofoam

**SUBMITTED BY:**

*Windward Ahupua`a Alliance*  
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**COMMITTEE ON ECONOMIC DEVELOPMENT AND BUSINESS CONCERS**

*Rep. Kyle Yamashita, Chair*  
*Rep. Glenn Wakai, Vice Chair*

**PUBLIC HEARING**

**9:30 am**  
**Friday, April 4, 2008**  
**Conference Room 325**

**HCR192/HCR161 - REQUESTING THE ESTABLISHMENT OF A VOLUNTARY  
COMPLIANCE PROGRAM TO ENCOURAGE COMMUNITIES AND BUSINESSES TO  
CONVERT TO POLYSTYRENE FOAM ALTERNATIVE PRODUCTS**

**OPPOSE**

My name is Shannon Wood, *Interim President* of the *Windward Ahupua`a Alliance*, a **501c3** Hawai`i non-profit corporation, which was established in July, 2002. *WAA's* organizational foci includes waste-to-energy, the **Four Rs**, landfills, shipping trash, illegal dumping, and other solid waste management issues.

We oppose **HCR192/HCR161** because the answer is not a soft resolution which does nothing to resolve solid waste and litter problems. Supporting it a waste of time as well as human energy & effort.

However, by passing **HCR192/HR161**, it certainly makes it look as if the *Legislature* is doing something.

I want to emphasize that *WAA* strongly supports legislation which **requires all retailers & fast food sellers** to do away with polystyrene (styrofoam) and other non-biodegradable containers.

We must **REDUCE** as well as **RE-USE**, **RECYCLE** and **RECLAIM** - and that will only happen when these products are no longer available.

4/3/2008

Unfortunately, both the *House* and the *Senate* deferred further action on bills mandating a ban prior to *Crossover*.

There are options such as paper plates, cardboard containers made from recycled paper, providing re-usable containers, or encouraging customers to bring their own containers the way that *Starbucks* does by giving a 10% discount.

In closing, if you feel compelled to pass out **HCR192/HCR161**, please print the resolutions on recycled paper so more trees don't have to die needlessly.

*Mahalo* for the opportunity to testify in opposition.

*The Windward Ahupua`a Alliance works to educate & inform residents, visitors, businesses, policymakers, and the media about using Smart Growth planning principles which promote sustainability. These include: Designing long-term waste management systems; improving illegal dumping/derelict vehicle legislation & enforcement; developing & implementing comprehensive curbside recycling programs; providing research & support on public access issues; establishing both state & county-level "legacy lands" funds to support affordable workforce housing initiatives and critical land purchases to protect against inappropriate development; creating alternative energy systems to reduce Hawai`i's dependency on fossil fuels & to mitigate the impacts of global warming; and, setting long-term watershed protection policies based upon ahupua`a concepts & principles.*