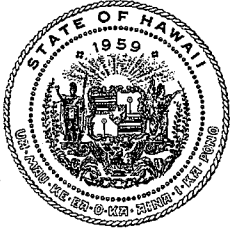


SB 2001



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

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
MARK K. ANDERSON
DEPUTY DIRECTOR

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Statement of
THEODORE E. LIU
Director
Department of Business, Economic Development, and Tourism
before the
SENATE COMMITTEE
ON
ENERGY AND ENVIRONMENTAL PROTECTION
Thursday, February 7, 2008
3:30 p.m.
State Capitol, Conference Room 414

in consideration of
SB2001
RELATING TO SOLID WASTE.

Chair Menor, Vice Chair Hooser, and Members of the Committee.

The Department of Business, Economic Development, and Tourism (DBEDT) supports the intent and overall concept behind SB2001, prohibiting the use of disposable food service-ware that contains polystyrene foam by commercial, non-profit, and government entities. Under this proposal, DOH in coordination with DBEDT, shall establish a program to educate the general public and the food service industry about the threats posed by polystyrene foam and encourage early compliance with this Act. DOA, in coordination with DBEDT, shall evaluate the feasibility and potential for production of biodegradable disposable food service-ware products within the State and report its findings and recommendations to the legislature no later than twenty days prior to the convening of the 2010 regular session. As part of this program, DBEDT shall create, regularly update, distribute, and make available a list of alternative forms of biodegradable or compostable food service-ware products that do not contain polystyrene foam.

Funds are provided from the Environmental Response Revolving Fund in the amount of \$750,000 and are provided to the Department of Health.

There have been many good ideas introduced this legislative session that support the State's economic development goals. While we support the intent of this bill, we are concerned about the staffing and the level of funding needed to fulfill the requirements of this bill.

Thank you for the opportunity to offer these comments.

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

CLAYTON A. FRANK
DIRECTOR

DAVID F. FESTERLING
Deputy Director
Administration

TOMMY JOHNSON
Deputy Director
Corrections

JAMES L. PROPOTNICK
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 2001
RELATING TO SOLID WASTE
Clayton A. Frank, Director
Department of Public Safety

Senate Committee on Energy and Environment
Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair

Thursday, February 7, 2008, 3:30 p.m.
State Capitol, Conference Room 414

Senator Menor and Members of the Committee,

The Department of Public Safety supports the overall intent of Senate Bill 2001 to protect Hawaii's precious resources and environment but has concerns about the impact that the passage of the bill may have on the department's food service budget.

During the last fiscal period, the Department spent approximately \$336,000 on Styrofoam products to deliver meals to offenders who were transported to court, working on community work lines, temporarily housed in medical facilities, or temporarily detained in disciplinary segregation. According to the current state procurement price list, the cost to the department would increase to \$457,500 if paper products were utilized as an alternative. This potential increase to our food service budget of \$121,500 is not considered in the Department's request reflected in the Executive Biennium Budget and will affect the Department's ability to use these funds for other priorities.

Thank you for the opportunity to testify.

testimony

From: jonschmitz21@gmail.com
Sent: Wednesday, February 06, 2008 11:50 AM
To: testimony
Subject: SB2629 TESTIMONY (ENE Hearing - 02/07/08 - 3.30pm)

Testimony before the:

SENATE COMMITTEE ON ENERGY & ENVIRONMENT Thursday, February 7, 2008 - 3:30 P.M. - State Capitol Room 414

Re: Support & suggested amendments for SB 2629 - RELATING TO HEALTH

Aloha Chair Menor, Vice-Chair Hooser and Members of the Committee:

I am writing in strong support of SB2629 (Relating to Health), which proposes to ban the use of polystyrene foam (styrofoam) food service-ware products in the State of Hawaii.

Over 100 municipalities across the United States, including San Francisco, Berkeley, Oakland, and Portland, have recognized the threats posed by styrofoam, and have successfully enacted measures to regulate or prohibit the use of this product. For example, San Francisco's Department of the Environment estimates a 80% compliance rate with the ban enacted just last year, without having issued a single citation! Much of the success in achieving this compliance is attributed to an aggressive effort to educate and inform the public.

I urge this Committee to consider amending SB2629 to include certain provisions provided for in SB2001 (Relating to Solid Waste), also before this Committee. These amendments include: 1) Funding this measure through the Environmental Response Revolving Fund instead of out of the General Fund; 2) Implementing a public education campaign modeled after successful efforts such as in San Francisco; 3) Not exempting coffee cups from this ban; 4) Encouraging DBEDT & DOA to explore the possibility of manufacturing styrofoam alternatives within the State using locally grown sugarcane.

Presently, Hawaii has the opportunity to become the first state to prohibit the use of styrofoam as a food service-ware product. The cost of alternatives to styrofoam (i.e. 9 cents more for a plate-lunch or 2 cents more for a cup of coffee) is definitely reasonable when attempting to promote a more sustainable and eco-conscious Hawaii. Ultimately, it may take a few extra cents, to make some sense, and I hope you will support SB2629 (with the recommended amendments), and the future of our beautiful but fragile paradise.

Thank you for this opportunity to provide testimony.

Sincerely,
Jon Schmitz
jonschmitz21@gmail.com

Makiki/Honolulu, HI

testimony

From: jagels@hawaii.edu
Sent: Wednesday, February 06, 2008 12:05 PM
To: testimony
Subject: SB2629 TESTIMONY (ENE Hearing - 02/07/08 - 3.30pm)

Testimony before the:

SENATE COMMITTEE ON ENERGY & ENVIRONMENT Thursday, February 7, 2008 - 3:30 P.M. - State Capitol Room 414

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Thank you for this opportunity to provide testimony.

Sincerely,
Sarah Jagels
jagels@hawaii.edu
3020 Diamond Head Road
3020 Diamond Head Road
honolulu, HI



HAWAII FOOD INDUSTRY ASSOCIATION

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 Direct (808) 479-7966



February 7, 2008

To: Senate Committee on Energy & Environment
 Senator Ron Menor, Chair / Senator Gary L. Hooser, Vice Chair

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

Re: SB2001 RELATING TO SOLID WASTE

Chairs & Committee Members:

While we accept the fact that we must address the issue of solid waste, and the amount of plastic being used in the food industry, this measure is simply not the answer, and will create more problems than it is intended to address. Further, we dispute the strong comments in the bill stating that these products pose a significant threat to Hawaii's ecosystems and environment and to the general health and welfare of the citizens of this State. In fact, it is just the opposite. It has provided the best means of protecting takeout food from contamination and bacteria which would cause far more of a threat to our citizens.

The problem is not the product, but the method in which it is disposed. It does not belong in the landfill. The issue is, when will government address landfills? We have to give credit to former Mayor Frank Fasi for the foresight to address the issue over thirty years ago with the building of HPOWER. Waste to Energy plants are expensive, and government has been shy to take on the challenge, even when we know that this is the best road to support energy self sufficiency with respect to electricity in Hawaii.

Polystyrene foam is not only a sturdy, sanitary, economical, and convenient product for Hawaii's food service industries, it is also a fuel that is being dropped in our lap. Pound for pound, it has a higher BTU than coal. Why are we landfilling energy that could reduce oil and coal imports? We should not be condemning polystyrene, but collecting it from the landfill and diverting it to generate electricity in HPOWER. We should be promoting the Neighbor Islands to separate as much plastic of all types at the landfill, shred it and use it as an energy resource.

SB 2001 claims that the non-biodegradable nature and chemical composition of this product raises serious concerns. We don't make similar claims against the oil we use to make electricity. The product is renewable as a fuel, and contrary to the bill, benzene is not used as an additive in food quality polystyrene products, unless it possibly comes from a foreign country that isn't telling us what is in the product.

If the Legislature is making claims about possible leaching of styrene into food and liquids when heated in such food service-ware, it should address these statements to the FDA who has approved the products as GRAS (Generally Recognized As Safe).

Now, what's good about this bill is that it brings the issue up for discussion. Lets focus on getting as much plastic out of the landfill as possible as fast as possible, and use it to lower our electric bills. We talk about being energy dependence while we landfill a valuable energy source in place of importing coal and oil. We should be taking advantage our this valuable high BTU energy source, rather than calling it a poison.

We suggest this bill will create nothing but heartburn for you if you pass it in this form. We suggest that the bill be amended to prohibit any benzene additives from being included in the manufacturing of any food quality packaging.

By the way, we have a local company that employs over one hundred employees in Kalihi that makes the products you are proposing to ban. They do it without adding benzene. This bill would put them out of business, and their employees out of work.

Six points of interest:

1. Hawaii is unique because of freight being much higher than places like the cities on the West Coast. We have just a few carriers while the West Coast have many coming from the Orient. The West Coast does not have to factor in Ocean freight as does Hawaii. Because incoming shipments from the West Coast and the Far East are limited, time factor will always present problems. This is especially true for substitute items from wherever it will be coming from. During shortages, we are even further behind on the ladder as to receiving goods. Business suffers and Hawaii suffers and yet, they ask us why the cost of living is so high?
2. What's good for others may not be good for Hawaii. As cost factors go up with these changes, there is another cost factor that will be even greater. The fact that these substitutes will naturally be in even greater demand due to all of the bans elsewhere. Hawaii needs to think about it because as these demands are trying to be met, major shortages will occur not only from the supply end but being the last on the totem pole to receive shipments. Paper bag industry from the time of "Save the Trees" program has scaled back a lot of the volume. What does it mean for us? Fulfillment of the needs for the big box stores who are going along with the Green program will have booked these manufacturers out. It will mean major shortages and major price increases with a limited supply. Paper supplier factories are already are maxed.
3. The local scene: Lack of employment will make it even more difficult to live here. Small manufacturing companies will be jeopardized just like those that have already closed down. What does this mean? Hawaii will be even more dependent on the Mainland U.S., where we will be buying our school lunch pulp trays from the East Coast instead of making them here.
4. The Plastics Industry has always supported Waste to Energy. Local companies here in Plastics all practice recycling. Government must do the same.
5. Education is the key....people here need to understand about the true facts about paper and plastics. Each have their place.
6. One last issue is industry cannot be switching back and forth from one type of Manufacturing to the other. It is very costly. When "Save the Trees" programs were launched, our only paper grocery bag company lost their investment in two machines that made the bags. Now we have legislation to go back to trees? Business can't simply change operations so easily without the high cost of new equipment.



MEMORANDUM – February 5, 2008

To: The Honorable Ron Menor, Chair
Members, Senate Committee on Energy and Environment

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

Re: **SB 2629 & SB 2001 - OPPOSE**

The American Chemistry Council (ACC) must respectfully oppose both **SB 2629 and SB 2001**, two pieces of legislation that would prohibit the use of polystyrene foam food containers in the state of Hawaii. While we appreciate the intent of this legislation, we must oppose these bills because they (1) could have sweeping ramifications on a number of government agencies and industries that rely on polystyrene foodservice packaging to deliver food products to customers in an economically and environmentally responsible manner; and (2) they fail to recognize the important environmental and health benefits of using polystyrene foodservice products.

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

In justifying these bills, some have suggested that adverse health and environmental impacts can be associated with the use of polystyrene products. *These allegations are not supported by credible scientific information.*

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."**

HEALTH BENEFITS OF POLYSTYRENE

Single-use foodservice products such as those made from polystyrene are an important part of our nation's modern food-safety and sanitation system. According to the Centers for Disease Control and Prevention, nearly half of the outbreaks of food-borne disease occur in restaurants, cafeterias, schools, delis and other food service operations. Single-use foodservice packaging is a practical, economical way to reduce the potential for the adulteration of food from improperly cleaned and sanitized dishware.

In a 1997 microbial survey of office reusable coffee cups and preparation areas, high numbers of bacteria were found in the sink area, on counters, in cups and on dish cloths or sponges. Coliform bacteria were found in the coffee preparation areas with the highest prevalence, 80 percent in drain and sink areas and in sponges. Forty percent of drain and sink areas and 20 percent of sponges tested positive for E. Coli. In the same study, 41 percent of all reusable cups tested contained Coliform bacteria. Wiping these cups with a moist sponge or dishcloth significantly increased bacterial contamination of the cups in addition to cross contamination with E. Coli and other Coliform.

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. This bill arbitrarily bans 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 these two bills, 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. ACC looks forward to working with you to address this important public policy issue. If you have any questions or comments, please contact me at 916-448-2581 or via email at tim_shestek@americanchemistry.com



Hawaii Foam Products, LLC.

737 Umi St., Honolulu, HI 96819 Phone: (808) 847-5269 Fax: (808) 845-7754

February 6, 2008

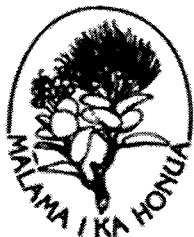
To: Senate Committee on Energy & Environmental Protection
Senator Ron Menor, Chair \ Senator Gary L. Hooser, Vice Chair

By: Gilbert Yamada, Manager of Hawaii Foam Products

Re: SB 2001 Relating to Solid Waste

Chairs and Committee Members,

I object to this ban because we have invested over 4 million dollars and it is going to put this company out of business and all our employees out of work. Styrene Clam Shell containers, meat trays, cups, bowls, plates and egg cartons can be disposed at H Power and not in landfills. Styrene is the preferred waste to recover energy because of the higher BTU Rate.



Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.537.9019 hawaii.chapter@sierraclub.org

SENATE COMMITTEE ON COMMITTEE ON ENERGY AND ENVIRONMENT

February 7th, 2008, 3:30 P.M.

(Testimony is 1 page long)

TESTIMONY IN SUPPORT OF SB 2629 AND SB 2001

Chair Menor and members of the Committee:

The Sierra Club, Hawai'i Chapter, with 5500 dues paying members statewide, supports the intents of SB 2629 and SB 2001, eliminating the use of polystyrene foam food containers. Polystyrene containers are manufactured from a non-renewable, non-biodegradable material. This material is imported into the state and then burned (contributing to greenhouse gas pollution) or landfilled (for all practical purposes, forever).

Alternatives exist to polystyrene containers and are already in use. A potential exists for using local, biodegradable resources to provide food container needs, increasing Hawaii's self-sufficiency and decreasing the environmental burden of our lifestyles. While some of these alternatives are more expensive than the ubiquitous polystyrene containers, economies of scale from increases in volume and competition will help reduce the price over the phase-in period in these measures.

Please remember, Hawai'i is faced with a solid waste crisis on most islands, O'ahu in particular. A study completed for the City by consulting group R.W. Beck, the "2006 Waste Characterization Study" (available online at www.opala.org), reveals some shocking facts about Oahu's solid waste situation. Since the last waste characterization study in 1999, the trash from Oahu households increased by 30.2% from 316,491 tons annually in 1999 to 412,016 tons in 2006 (R.W. Beck, "2006 Waste Characterization Study," April 2007, at 3-11). The population increased by roughly 3% over the same period (878,906 to 906,000)—*meaning waste generation from households increased 10 times faster than population growth*. The proliferation of polystyrene foam food containers significantly contribute to this problem.

While the Sierra Club supports these measures, we believe they could be amended somewhat to achieve the same desired outcome. For one, the polystyrene prohibition need not be a stand-alone chapter in Hawaii Revised Statutes; it should be more properly inserted into the existing HRS 342G (integrated solid waste management) or HRS 342H (solid waste pollution).

Thank you for the opportunity to testify.