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In reply, please refer to:
File:

HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

HCR 43, HD1, Requesting the Department of Health to Investigate Hazard Posed by Polystyrene Food Containers and to Establish Standards for Biodegradable Plastic Food Containers and Grocery Bags

Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health

March 18, 2009

1 **Department's Position:** The department respectfully opposes this measure.

2 **Fiscal Implications:** Undetermined. Each of the actions contained in the resolution would require
3 funding and potentially personnel.

4 **Purpose and Justification:** This resolution requests that the Department of Health adopt rules
5 requiring the labeling of polystyrene food containers warning of the dangers of heating food in the
6 containers; study the safety of such containers; and establish minimum standards for the
7 biodegradability of plastic grocery bags and food containers. The resolution also seeks for a study of the
8 possible diversion of expanded polystyrene containers from landfills.

9 While acknowledging concerns over the use of plastics and their impacts on health and the
10 environment, the Department opposes this measure, as various aspects of it are unnecessary, beyond our
11 means, or both. First, preparing a report on the safety of polystyrene food containers is not warranted at
12 this time, as available data are insufficient. We do note that the U.S. Food and Drug Administration
13 (FDA) regulates the safety of food-contact packaging, and FDA regulations allow the use of polystyrene

1 as a food-contact packaging material. This measure would require state government agencies to control
2 certain consumer products where federal government agencies do not.

3 Regarding the establishment of biodegradability standards, we note that considerable resources
4 would be required for the Department to either analyze and adopt an existing standard(s), or to develop
5 standard(s) on its own. Developing standards is typically undertaken by independent organizations that
6 are devoted solely to testing and standards development.

7 Studying the diversion of only one product from landfills would require resources we don't have
8 and would be better handled in the counties integrated with waste management plans.

9 The Department will work with other states and federal government agencies to monitor new
10 legislation and emerging health information on the safety of polystyrene food containers.

11 Thank you for the opportunity to testify on this measure.

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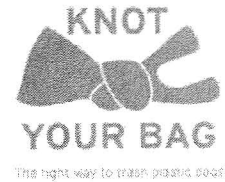
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HAWAII FOOD INDUSTRY ASSOCIATION

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March 18, 2009

To: House Committee on Consumer Protection
Rep. Robert N. Herkes, Chair
Rep. Glenn Wakai, Vice Chair

By: Hawaii Food Industry Association
Richard C. Botti, President
Lauren Zirbel, Government Relations

Re: HCR 43 HD1 POLYSTYRENE FOOD CONTAINERS STANDARDS

In Support with suggested amendment

Chairs & Committee Members:

For the past ten years, we have been singing the tune: "Wouldn't it be nice to turn packaging into fuel?" Plastics and polystyrene has a Btu about equivalent to that of fuel oil. Yet we put it into the landfill, when it would be one of the easiest items to divert from landfills, and used as a strategic energy reserve, or as fuel to generate electricity as is done in HPOWER.

We support the purpose and intent of HCR 43, and feel there is an opportunity to turn discarded polystyrene containers into an asset.

We realize that the Dept. of health is opposed to this measure because of a lack of funding. We suggest that a working group be created in lieu of the mandate in the measure, and that the working group include a representative from each County representing landfills, the Dept. of Health, and producers of polystyrene and plastic bags that are made in Hawaii, one affected trade organization and one environmental organization. This working group can conceivably come up with suggestions to the Legislature that will address the issue based on cost, environmental concerns, recycling, potential fuel resource, all with a focus on sustainability.

Polystyrene packaging is made in Hawaii creating over a hundred jobs, while providing lower prices than other packaging because of savings on freight. We need to support Waste To Energy, or recycling of polystyrene locally as a part of our sustainability goal. We feel that creating local jobs creating polystyrene packaging is better than importing compostable packaging from China.

Plastic Bags are the preferred packaging because of their strength, cost, and availability to be reused for wet waste at home. Biodegradable bags have been in the testing stage for several years. The problem is that the manufacturer does not want to put a

guarantee on them as if they are in storage for periods of time under the wrong condition, they may start to break down and not serve their intended purpose.

Retailers have been supporting:

- Selling and promoting reusable bags that customers can bring with them;
- Paying customer for not using a store provided bag;
- Recycling of plastic bags where they go back to the Mainland, or China for recycling;
- Offering customers biodegradable bags; and
- Knot your bag before disposing of it in the trash.

What is not acceptable at this time is compostable bags, since they require a commercial compostable facility, which are not readily accessible. Also, the bags must be kept refrigerated because of our high humidity, they start to breakdown prior to being used. Then they are substantially higher in cost.