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Lauren Zirbel, Executive Director

1050 Bishop St. PMB 235
Honolulu, HI 96813
Fax : 808-791-0702
Telephone : 808-533-1292

TO:
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION
Rep. Chris Lee, Chair
Rep. Cynthia Thielen, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: February 4, 2014
TIME: 8:30am
PLACE: Conference Room 325

RE: HB 2202

Position: Opposition

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers and distributors of food and beverage related products in the State of Hawaii.

HFIA would like to mention that this bill is an improvement over other measures introduced in the past; however, we are unable to support this measure, as it is a mandate on businesses that will cost retailers time, space, and money.

Biodegradable products are 30% more expensive than polystyrene options. However, biodegradable products, under our current system of waste disposal will meet the same end as polystyrene. Both compostable and polystyrene options incinerate. Both compostable and polystyrene options will not biodegrade in modern landfills. Landfills are designed to protect the environment from the liquids and gases produced by reducing the exposure of garbage to air, water and sunlight – conditions essential for degradation. Without an investment in commercial composting facilities, this increased cost for food establishments and consumers will result in negligible environmental benefits.

Not one county in Hawaii has a commercial composting facility where these products can be sent to compost. Oahu has HPOWER which can utilize the very high BTU value of polystyrene.

Most of the trash debris seen on beaches is the result of haphazard disposal of waste from all over the world and on the seas, which are brought here by currents. Many products do not biodegrade which is why waste

management is such an important issue.

Hundreds of Kalihi jobs may be eliminated if the Legislature continues to threaten this locally produced, favorably priced, FDA approved product.

The market is creating it's own commercially viable and money generating solutions to the problem, solutions which don't put people out of work or force the market to act in premature ways, but instead generate jobs and profit for government and private enterprise. These solutions are especially promising given the need for energy sustainability, especially in Hawaii, and given the rising cost of fuel. Technology is now available and widely used in Japan to turn plastics into high grade Diesel oil.

While polystyrene is a petroleum byproduct, it is also a resource. It is currently being recycled here in Kalihi on a small scale, and is becoming a major recyclable resource in schools on the Mainland. In fact, more than 57 million pounds of packaging were recycled in 2004. Also, in accordance with EPA priorities, polystyrene manufacturers have placed precedence on source reduction and reuse as well as recycling, locally here in Hawaii as well as nationally.

Looking at this from a resource conservation prospective, source reduction is much more effective than recycling. According to Franklin Associates, in order for polystyrene packaging and disposables' recycling efforts to save as much energy as the 408 million pounds source reduced in 1997, a recycling rate of 51% would have to be achieved. On a side note, we invite all of the legislators to come visit KYD's recycling facility in Kalihi to see how they source reduce and streamlining production by reusing leftover production materials.

There are very real concerns associated with the manufacturing of biodegradable packaging, as the 2006 Smithsonian Magazine put forth, stating that biodegradable alternatives have considerable drawbacks that haven't been publicized...such as that 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.

All foodservice products – regardless of the material from which they are made – require the use of various natural resources i.e. energy, water, etc. A 2006 Life Cycle Inventory study by Franklin and Associates showed that polystyrene when compared to other food service containers, is very efficient in terms of minimizing air emissions and energy used in the manufacturing process and in reducing the amount of waterborne waste generated during the manufacturing process.

This bill makes the false assumption that 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. This is especially important considering many bio-degradable options are produced in China where labor, quality and environmental standards are known to be well below the labor, quality and environmental standards practiced in plants which produce polystyrene here on the island of Oahu.

We should consider the carbon footprint of shipping supplies from China, especially given that we have a more economically viable product produced right here in Hawaii, providing a 100 jobs to the community.

The FDA, Health Canada and Environment Canada concluded extensive studies that styrene is "non-toxic" and 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."

For all of these reasons we would ask that this bill be held.

Thank you so much for your time.

Thank you for the opportunity to testify.



January 31, 2014

To: The Honorable Chris Lee, Chair
Members of the House Committee on Energy and Environmental Protection

From: Tim Shestek
Senior Director, State Affairs

Re: **HB 2202 – OPPOSE**

The American Chemistry Council (ACC) must respectfully oppose HB 2202. ACC and its members certainly support efforts to reduce litter and marine debris. However, HB 2202 appears to be drafted under the false assumption that alternatives to polystyrene food service containers are environmentally preferable.

All packaging leaves an environmental footprint regardless of the material type. It takes energy and raw materials to produce, transport, and recover or dispose of any material. So it is important to measure all of these impacts throughout the entire lifecycle of a product. Consider the following:

- Polystyrene cups weigh anywhere from two to five times less than comparable paper packaging products which means fewer air emissions when transporting products.
- A polystyrene hot beverage cup requires about 50% LESS energy to produce than a similar plastic-coated paperboard cup with a corrugated cup sleeve.
- Studies conducted for Seattle Public Utilities (SPU) showed that banning polystyrene foam food take-out containers would dramatically increase environmental impacts by doubling the greenhouse gas emissions, energy use, and waste associated with the use of alternative products.

It does not make environmental sense to encourage the use of products that essentially result in higher greenhouse gas emissions, more trucks on the road, and more fuel being used.

In addition, focusing on a single material type (e.g. polystyrene) does not reduce litter. The city of San Francisco banned polystyrene containers but according to a 2008 litter audit conducted for the city, paper cup litter increased after the ban was enacted.

Furthermore, encouraging restaurants to use compostable products as replacements for polystyrene products will likely result in higher operating costs for food establishments. Polystyrene containers are 2-3 times more affordable than replacement products, which in some cases do not perform as well, especially for very hot and cold food and beverages.

The committee should also know that “bio based” or “degradable containers” only “degrade” in a controlled composting environment – essentially a large industrial facility where temperatures can exceed 140 degrees for several days. Consumer access to these facilities is very limited and these containers do not degrade if littered alongside the road, deposited into a trash can, nor will they degrade if they make their way into a storm drain or other water body.



ACC and its members take seriously the issue of litter and marine debris. To that end, ACC is working domestically and internationally with government officials, retailers, anti-litter groups and consumers to devise solutions to prevent marine debris.

Some of our more recent activity includes helping develop new and innovative recycling programs nationwide; promoting industry-wide practices to contain plastic pellets; partnering with governments and conservationists to encourage recycling and discourage litter; working to educate children on the link between litter and marine health; working with the National Oceanic and Atmospheric Administration to advance scientific understanding of marine debris; and continuing to innovate and develop smaller, lighter packaging. More information about our activities to help reduce marine debris can be found at: <http://www.marinedebrissolutions.com/default.aspx>

Thank you in advance for considering our views. If you have any questions or comments, please do not hesitate to contact me at 916-448-2581 or via email at Tim_Shestek@americanchemistry.com . You may also contact ACC's Hawaii based representatives Red Morris or John Radcliffe at 808-531-4551.





KYD, Inc. dba k. yamada distributors

An independent leader in packaging and wholesale distribution

P.O. BOX 29669, Honolulu, Hawaii 96820 Phone: (808) 836-3221 Fax: (808) 833-8995

HB 2202, Disposable Containers
Hse EEP Committee - Tuesday, Feb. 4, 2014
8:30 am - Room 325
Testimony by: Dexter Yamada
Position: Oppose

Chair Lee and Members of the House EEP Committee:

I am Dexter Yamada, President of KYD, Inc. dba: K. Yamada Distributors. KYD, Inc. is a local family run business that originated in the 1940's as a florist and florist supply distributor, and in 1958, evolved into a packaging company. Today, KYD, Inc and its sister company, Hawaii Foam Products, LLC, employ about 100 employees and contribute to Hawaii's economy through taxes and payroll based on \$35 million annual revenue. Our companies manufacture packaging materials such as food-grade EPS (Expanded Polystyrene) food containers, and distribute a variety of supplies, to include compostable containers, for food processors, food establishments, supermarkets, hotels hospitals and other institutions.

HB 2202 is opposed because it based on incorrect information that may unnecessarily disrupt and reduce the business work force. Reasons for opposing this measure follow:

- Food-grade EPS food containers are safe and have been approved by the FDA since 1958. Consumer safety is top of mind for KYD, Inc and other manufacturers. Styrene is naturally found in strawberries, beef and in processed food like cheese and wine. Exposure in food-grade EPS food containers has been found to be more than 10,000 times below the FDA safety limit. <http://plasticfoodservicefacts.com/Safety-of-Styrene-Based-Polymers-for-Food-Contact>
- Food-grade EPS food containers are not the same as STYROFOAM, which is a Dow Chemical Company brand for building material products, like insulation, and products like ice chests. STYROFOAM is a non-FDA compliant material that was never used for foodservice.
- It is highly likely that additional fees will be charged to the consumer because compostable disposable food containers cost about 3 or 4 times more than food-grade EPS food containers.

Our sales experience with a food establishment in an affluent neighborhood shows that customers when offered the choice of compostable cups will decline paying an additional 25 cents for it. The food establishment had to keep its inventory of compostable cups in the chiller, displacing vegetables and protein, so that the cups would not degrade in Hawaii's climate. Eventually, the food establishment disposed of its compostable cup inventory.

- As a Hawaii manufacturer of food-grade EPS food containers, we provide Hawaii businesses with product replacement of imported goods to Hawaii, at cheaper cost. Comparatively, Hawaii manufactured food-grade EPS containers reduces the carbon footprint of increased container loads of already formed compostable product, its use of raw material resources, water and electrical resources needed to make the compostable products.
- There are no compostable facilities to process compostable products. In fact, we recently learned that all combustible trash, including compostable trash, is redirected from the landfill to HPower and burned, producing electricity for 50-60 thousand households. Food-grade EPS food container has one of the highest burn rate at 18 BTU, while other trash burns at less than 14 BTU.

KYD, Inc is very interested in solutions to the littering problem facing our communities which we believe is a behavior problem. We are willing to participate in solutions-based discussions that can increase the Waste-to-Energy stream to HPower, which has burning capacity for 20 more years. Thank you for the opportunity to testify.



WILL CALL, G&A, AND WAREHOUSE OFFICES: 2949 Koapaka Street, Honolulu, Hawaii 96819-1923 Phone: (808) 836-3221 Fax: (808) 833-8995



HAWAII RESTAURANT ASSOCIATION

2909 Waialae Avenue #22
Honolulu, Hawaii 96826
www.hawaiirestaurant.org

Phone: (808) 944-9105
Fax/Toll Free: (877) 494-3245
Info@HawaiiRestaurant.org

DATE: February 3, 2014

TO: Committee on Energy and Environmental Protection
Rep. Chris Lee, Chair
Rep. Cynthia Thielen, Vice Chair

FROM: Roger Morey, Executive Director

RE: Opposition to HB 2202 Relating to Compostables

The Hawaii Restaurant Association opposes this bill.

The negative effects of this bill are two-fold. First, it would require small businesses to maintain a double inventory of similar goods: Compostables, as well as paper and/or expanded polystyrene packaging materials. In addition to the added cost is the logistical issue of storage... always a problem given the expensive cost of real estate in Hawaii. This is not a minor point.

There is another important reason why this bill is wrong for Hawaii. That is, it misleads the general public. When given the choice of “compostable or non-compostable”, the reasonable, “green” choice would be the more expensive compostable product. However, compostable products are NOT composted in Hawaii. That is correct. The nature of compostable products is that they require aerobic landfills, landfills with air. The landfills in Hawaii are compacted very tightly – for obvious reasons – and are anaerobic. Most landfills, even on the mainland, are fundamentally anaerobic because they are compacted so tightly, and thus do not let much air in. Typically in landfills, there’s not much dirt, very little oxygen, and few if any microorganisms – all essential for composting. It is sad to see some sellers of compostable materials touting the benefit to Hawaii... when there is none.

Respectfully submitted,

February 3rd, 2014

Aloha,

I am writing today to strongly support HB 2202, which requires food service businesses to provide customers with an option to use compostable or reusable food containers provided by the restaurant for food. As a consumer I look for such options when eating out around town and currently find them lacking. Moreover, the environmental impact of EPS foam is considerable, as documented below:

- EPS is made from styrene, which is an animal carcinogen & a suspected human carcinogen. According to the EPA, 100% of Americans have styrene in their bodies.
- EPS foam is made from non-renewable fossil fuels and synthetic chemicals that may leach out over time, especially if in contact with hot, greasy or acidic food.
- The resources & energy it takes to make one EPS foam container could make 3 compostable containers, which are non-toxic and not harmful to the environment.

California reduced its landfill by 30% after implementing their bans/fees on EPS foam products. Please vote in favor of HB 2202 so that Hawaii may follow suit and realize the social and environmental benefits of enacting this bill.

Thank you for your time and consideration,

A handwritten signature in cursive script that reads "Phil Potter".

Phil Potter

HB2202

Submitted on: 2/3/2014

Testimony for EEP on Feb 4, 2014 08:30AM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| C. Kai Lucas | Individual | Support | No |

Comments: There are many reasons to support this bill, but perhaps as lawmakers these two identify very clearly how NOT passing this bill CREATES more problems: · EPS Foam is about 97% air so it burns quicky in Hawaii's H-Power plants, creates little energy and releases toxic chemicals. Compostable products burn cleaner and produce more energy without releasing toxic chemicals. · California reduced its landfill by 30% after implementing their bans/fees on EPS foam products. please support this bill!
Aloha, Kai Lucas

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HB2202

Submitted on: 2/3/2014

Testimony for EEP on Feb 4, 2014 08:30AM in Conference Room 325

| <u>Submitted By</u> | <u>Organization</u> | <u>Testifier Position</u> | <u>Present at Hearing</u> |
|------------------------------|----------------------------|----------------------------------|----------------------------------|
| <u>Robert Barreca</u> | <u>Individual</u> | <u>Support</u> | <u>No</u> |

Comments: Finally take Hawaii into the 21st century and begin promoting compostable containers. Our plate lunch culture, where most places give you a styrofoam container, plastic utensils, and plastic bag even when dining in is taking its toll. Compostable containers are better economically and environmentally and pave the way to us recapturing our food waste in municipal composting operations.

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HB2202

Submitted on: 2/3/2014

Testimony for EEP on Feb 4, 2014 08:30AM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Amy Brinker | Individual | Support | No |

Comments:

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HB2202

Submitted on: 2/3/2014

Testimony for EEP on Feb 4, 2014 08:30AM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Nicole | Individual | Comments Only | No |

Comments: Aloha, I am testifying as an individual and I SUPPORT HB2202 for the following reasons: • EPS foam does not biodegrade in our lifetimes. It may photodegrade and/or break into small pieces if littered, which makes it harder to clean up. Compostable containers are made from organic materials, and they biodegrade naturally and are easy to clean up. • EPS is made from styrene, which is an animal carcinogen & a suspected human carcinogen. According to the EPA, 100% of Americans have styrene in their bodies. • EPS foam is made from non-renewable fossil fuels and synthetic chemicals that may leach out over time, especially if in contact with hot, greasy or acidic food. • Animals & marine species often mistake EPS foam for food or nesting materials. • Although inexpensive to buy, EPS can be expensive to clean up. Since they are so inexpensive, polystyrene products are often thrown away or littered after a single use. Municipalities have to spend taxpayer money trying to control, capture, and remove trash, including EPS. • EPS Foam recycling is often not economical or available, so most ends up in the landfill or as litter. Less than 1% of EPS foam products are recycled. • EPS Foam is about 97% air so it burns quickly in Hawaii's H-Power plants, creates little energy and releases toxic chemicals. Compostable products burn cleaner and produce more energy without releasing toxic chemicals. • The resources & energy it takes to make one EPS foam container could make 3 compostable containers, which are non-toxic and not harmful to the environment. • California reduced its landfill by 30% after implementing their bans/fees on EPS foam products. Finally, I SUPPORT the bill because Hawai'i needs to start thinking sustainably in order to preserve the beauty that it has today for our keiki. Mahalo, Nicole Fisher

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HB2202

Submitted on: 2/3/2014

Testimony for EEP on Feb 4, 2014 08:30AM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Tom Carey | Individual | Comments Only | No |

Comments: Do away with foam and plastic containers...Use recyclable paper products only...Aloha

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HB2202

Submitted on: 2/3/2014

Testimony for EEP on Feb 4, 2014 08:30AM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Yoshio Akaha | Individual | Support | No |

Comments: I am in strong support of this measure, HB2202, to require compostable take-out containers. State landfills are in dire need of relief and waste from restaurants are a large contributor to this problem. I feel guilty any time I handle styrofoam and other products that are neither recyclable (on O'ahu) nor compostable. I would like to see the industry move in an environmentally responsible direction and strongly urge the committee members to stand by this bill and stand for progress.

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HB2202

Submitted on: 2/3/2014

Testimony for EEP on Feb 4, 2014 08:30AM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| janice palma-glenie | Individual | Support | No |

Comments: Aloha, this bill is long overdue. please support simple reduction of non-recyclable toxic plastic waste. mahalo.

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HB2202

Submitted on: 2/3/2014

Testimony for EEP on Feb 4, 2014 08:30AM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| George Abood | Individual | Support | No |

Comments: Plate lunch-love it. Styrofoam-hate it.

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HB2202

Submitted on: 2/3/2014

Testimony for EEP on Feb 4, 2014 08:30AM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Steve Sakala | Individual | Support | No |

Comments: Aloha Honorable Representatives, Thank you for hearing HB 2202. Today I write in strong support of this bill for many reasons. The most obvious reason is we live in an island environment and we must continue to think of viable ways to reduce or use of non-sustainable products such as styrofoam. Besides reducing the impact on our waste stream this bill supports the type of economy we wish to support here in our great state which, is a sustainable industry that makes compostable one use products. While I believe we must start moving away from all one use items over time, compostable options are a very good very step. I think it is time Hawaii stands up for our environment, ocean life and long term sustainability by supporting HB 2202. I have included a link to a site that lists facts from the EPA on Styrofoam use and production. http://www.ehow.com/list_7501083_environmental-hazards-styrofoam.html Mahalo and Respectfully Submitted, Steve Sakala VP Kona Chapter Hawaii Farmers Union Vice Chair State Legislative Committee HFUU

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Joy Leilei Shih
3047 A Hollinger Street
Honolulu, HI 96815
joyshih@hawaii.edu
(650) 380-5482

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
FEBRUARY 4, 2013, 8:30 A.M.
(Testimony is 1 page long)

TESTIMONY IN STRONG SUPPORT OF HB 2202

Aloha Chair Lee and Members of the Committee:

HB 2202 would require restaurants and food establishments to offer an alternative to Styrofoam containers for take-out food. Styrofoam as food containers have already been banned in many cities around the nation including Seattle, Portland, New York City, and **dozens** of cities throughout California.

The U.S. Department of Health has listed Styrofoam as containing chemicals that are “reasonably anticipated” to be a human carcinogen. These carcinogens are outgassed when hot foods are placed in the containers and when the containers are microwaved.

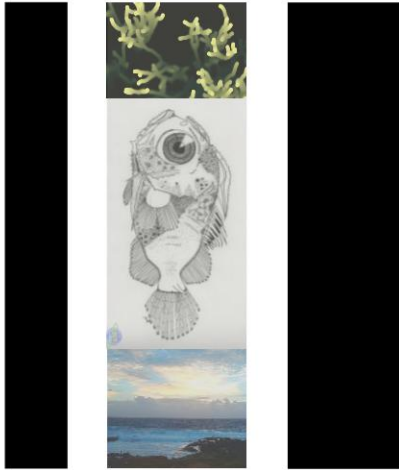
Furthermore, Styrofoam is one of the most littered items. Because of its non-biodegradable and lightweight nature, Styrofoam litter is easily blown out to sea where it poses a threat to marine life that mistake it for food.

Because Styrofoam is not recyclable, and because Styrofoam food containers are used frequently and only once for food service, Styrofoam places an extremely large burden on Hawai‘i’s already over-burdened landfills.

There are many alternatives to Styrofoam containers, including regular square take-out containers and a growing number compostable options. If dozens of cities and counties and food service companies like Jamba Juice (nationwide) and Panda Express (where Styrofoam bans exist) can move away from Styrofoam, so can Hawai‘i!

I hope you will support the protection of Hawai‘i’s environment and public health and support HB 2202. Mahalo for the opportunity to testify.

J. Leilei Shih



MEHANA CONSULTING

LATE

Hawai'i State GE License No. W67093679-01

Post Office Box 1127 · Kealahou, HI · 96750

mehana.consulting@gmail.com

www.mehanaconsulting.weebly.com

cell: 808.217.5777 · fax: 877.885.8031 (toll-free)

Re: Testimony for HB 2202 for 2/4/2014 at 8:30am

3 Feb 2014

Aloha mai kākou,

I am writing today to **convey my total support of the bill HB 2202** a.k.a. the “Styrofoam” EPS Foam Bill. I have personally seen the destruction that single-use plastics, especially EPS foam, can reap on coastal ecosystems and their inhabitants. Since 2008, I have coordinated coastal cleanup efforts with Hawai'i Wildlife Fund and with the help of hundreds of local volunteers, we have **removed over 70 tons of marine debris** from the shoreline of Hawai'i Island. A huge percentage of this amount in the last several years are plastics (>90%), and a surprising amount is EPS foam. One of the huge issues with this type of plastic is that it quickly breaks into smaller and smaller fragments, but never goes “away”. And I beg you to consider this term, ... because what really is “away” but a discard?

As you may know, coral reef ecosystems are on the decline throughout the world's ocean due to overharvesting, pollution, run-off, climate change, invasive species, coastal development, and the list continues. Unfortunately, the Hawaiian Archipelago is not excluded from these same sets of stressors. In fact, the Hawaiian Islands act like a sieve and collect a portion of the debris that breaks free of the North Pacific Subtropical High (aka “the Giant Garbage Patch”). Much of this debris comes from elsewhere, however, some of it comes from local origin (*see* Carson et al. 2013 with an example of trash from Hilo waterways reaching the far away Kamilo Pt.) Therefore, **locally we can lessen these problems and reduce the amount of potential marine debris with everyday choices that we make as Hawai'i residents**, and by supporting legislation like this proposed bill HB 2202.

So, I implore you to **please support this bill HB 2202** and move it forward to the next hearing. Should you have any additional questions, I am available by phone or email. Many thanks for your time and consideration.

Me ke aloha,

LATE

Megan R. McWhite Lamson
Owner & Principal Scientist

Jesse Law
Sustainable Island Products LLC
PO Box 10006
Hilo, HI 96721



3/3/2014

The Honorable Rep. Chris Lee, Rep. Cynthia Thielen, Rep. Ty J.K. Cullen, Rep. Calvin K.Y. Say, Rep. Cindy Evans, Rep. Scott Y. Nishimoto, Rep. Faye P. Hanohano, Rep. Nicole E. Lowen, Rep. Derek S.K. Kawakami, Rep. Richard Lee Fale

RE: HB 2202 - Requires food service businesses to provide customers with an option to use compostable or reusable food containers provided by the restaurant for food. Requires signs to be posted informing customers that compostable food containers are available at no extra cost. Requires violators to pay a fine for repeated violations.

Dear Representatives,

I am the founder of Sustainable Island Products LLC, a Green products distribution company in our 6th year of operations that is located in Hilo, Hawaii and Kahului, Maui. We have received the Governor's Green Business award (2011) and are also recognized as the "Green business of the year" by the Sustainability Association of Hawaii for 2013.

I founded this business to address three primary concerns:

1. To reduce the massive amounts of toxic waste that food-service providers create by their use of Styrofoam and other plastic containers for "to-go" foodservice applications.
2. To reduce the toxicity for humans and the environment related to the manufacture, use and disposal, discard, or incineration of these petroleum based products in Hawaii.
3. To support the opportunity to move the market towards non-toxic, plant based, and certified compostable products that can be composted to soil at their end-life, thereby reducing the burden on landfills and the environment while providing an opportunity to create value-added products (compost or soil), as well as additional green jobs, both of which are much needed in Hawaii.

Hawaii is ready to do away with Styrofoam as is evidenced by our, and other distributors' success over the past six years. Our company alone currently has 600+ foodservice, educational, business and non-profit accounts being served throughout Hawaii. I know of at least 11+ other distributors who are starting to carry compostable supplies.

Please know:

- There is a groundswell of support for the move away from petroleum based food-packaging products here in Hawaii (and around the world).
 - Moving to compostable products creates opportunities for Hawaii in the following ways:
 - Increase safety for Humans and the Environment
 - Waste diversion (conversion)
 - Local manufacturing of these products, using existing biomass waste streams (sugarcane)
 - Local processing of value-added products in and for Hawaii (compost or soil)
 - Manufacturing, job and tax base creation for Hawaii.

I request that you support the passage of HB 2202. I am available to any of your offices to provide further information should you require.

Thank you for your time and consideration.

Sincerely,

Jesse Law
Founder / CEO
SUSTAINABLE ISLAND PRODUCTS

**Testimony to the House Committee on Energy and Environment
Tuesday, February 4, 2014 at 8:30 A.M.
Conference Room 325, State Capitol**

LATE

RE: HOUSE BILL 2202 RELATING TO DISPOSABLE CONTAINERS

Chair Lee, Vice Chair Thielen, and Members of the Committee:

The Chamber of Commerce of Hawaii ("The Chamber") **opposes** HB 2202 Relating to Disposable Containers.

The Chamber is the largest business organization in Hawaii, representing over 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

The Chamber feels that this bill is an unfair mandate, as it will add costs to businesses in an environment of already high business mandated costs. We feel that the choice of disposable containers should not be mandated and should be voluntary to allow businesses and small organizations to keep costs down.

We respectfully ask that this bill be held in committee. Thank you for the opportunity to testify.

Testimony in Support of HB2202

Boram Shin

LATE

Aloha, my name is Boram Shin. I'm testifying in wholehearted support of HB2202.

I work in the restaurant industry and have been told by a number of customers in their disapproval of styrofoam. It's extremely wasteful. It takes up a lot of energy to produce yet it's only used for a few minutes and thrown into the landfill. It doesn't make sense. Let's do the right thing and make positive changes. With the bill passed, I foresee more recognition of the importance of sustainable awareness and that it is something we all care about. Many of us like to enjoy dining out frequently and how great would it be to see all of hawaii's restaurants to offer eco products. Thank you

Dear House Representatives,

LATE

My name is Tristan Cummins and I am in favor of the bill. I work for Coastlines Hawaii and I am also a hotel assistant.

As an island state and a tourist destination I believe it is in our best interest economically and environmentally to adopt this bill. Hawaii has an opportunity to lead the nation and be an example on issues such as these and you have the power to make it happen.

The cost of the packaging can be passed along to the consumer and does not have to affect the bottom line of the business.

I urge you to consider some of the facts presented below when making your decision.....

Mahalo for your time,

Tristan Cummins

- EPS foam does not biodegrade in our lifetimes. It may photodegrade and/or break into small pieces if littered, which makes it harder to clean up. Compostable containers are made from organic materials, and they biodegrade naturally and are easy to clean up.
- EPS is made from styrene, which is an animal carcinogen & a suspected human carcinogen. According to the EPA, 100% of Americans have styrene in their bodies.
- EPS foam is made from non-renewable fossil fuels and synthetic chemicals that may leach out over time, especially if in contact with hot, greasy or acidic food.
- Animals & marine species often mistake EPS foam for food or nesting materials.
- Although inexpensive to buy, EPS can be expensive to clean up. Since they are so inexpensive, polystyrene products are often thrown away or littered after a single use. Municipalities have to spend taxpayer money trying to control, capture, and remove trash, including EPS.
- EPS Foam recycling is often not economical or available, so most ends up in the landfill or as litter. Less than 1% of EPS foam products are recycled.
- EPS Foam is about 97% air so it burns quickly in Hawaii's H-Power plants, creates little energy and releases toxic chemicals. Compostable products burn cleaner and produce more energy without releasing toxic chemicals.
- The resources & energy it takes to make one EPS foam container could make 3 compostable containers, which are non-toxic and not harmful to the environment.
- California reduced its landfill by 30% after implementing their bans/fees on EPS foam products.

LATE

Aloha Legislature,

I would like to testify in support of HB 2202. This bill is not requiring any more than asking businesses to provide the consumer with the right to not pollute the environment and themselves when they eat their food. EPS foam has been reported scientifically to be hazardous to our health and to the natural resources that surround us. I would think that if you have concern for the well-being of these islands and to the people that live on them you would at least pass this bill that gives the consumer a choice to avoid such products. Like plastic bags in Hawaii, EPS foam is a known detriment to society. I hope you make the decision to support this bill because this has to stop being about the money, about the cheapest option for the consumer and the seller. Cheap should not run our dialogue, nor should profits at the consequence of the world – we have lived in that reality for too long already and we need to start taking steps in the right direction to protect ourselves and our precious natural resources.

Thank you for your time,

Rafael Bergstrom

LATE

HB2202

Submitted on: 2/4/2014

Testimony for EEP on Feb 4, 2014 08:30AM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------------|---------------------|---------------------------|---------------------------|
| Marjorie &/or Duane Erway | Individual | Support | No |

Comments: although styrofoam (aka EPS Foam) is inexpensive to buy, it can be very expensive to clean up. It is not easily and economically recycled. Let's reduce our landfills by 30% like California has done, by banning EPS foam products. Mahalo for your consideration. Trust we will see your support.

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HB2202

Submitted on: 2/3/2014

Testimony for EEP on Feb 4, 2014 08:30AM in Conference Room

LATE

| Submitted By | Organization | Testifier Position | Response |
|----------------|------------------------|--------------------|----------|
| Sheri Sakamoto | Retail Merchants of HI | Oppose | No |

Comments: RMH opposes HB 2202 as it would cause added burden to restaurants and retailers selling food in their stores. For the retailer, there would be increased costs to implement and execute this mandate, including identifying compostable or resuseable disposable food service containers, updating systems, and maintaining accurate records. We respectfully ask your consideration to NOT add greater burden to our cost of doing business or our cost of living. Thank You!

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B2202

Submitted on: 2/3/2014

Testimony for EEP on Feb 4, 2014 08:30AM in Conference Room 32

LATE

| Submitted By | Organization | Testifier Position | |
|--------------|--------------|--------------------|----|
| Cheryl King | Individual | Comments Only | No |

Comments: I fully support this legislation, as the use of styrofoam should be avoided whenever possible. Styrofoam's harmful effects on people and animals and of course the environment in general is well documented, so these products need to be excluded from our every day choices. Mahalo!

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HB2202

Submitted on: 2/3/2014

Testimony for EEP on Feb 4, 2014 08:30AM in Conference Room 325

LATE

| Submitted By | Organization | Testifier Position | |
|----------------|--------------|--------------------|----|
| michael mccagh | Individual | Support | No |

Comments: Please ban styrofoam use on the islands. It NEVER goes away. It's absurd to continue to pollute the world with these items. We personally keep plastic/glass to-go containers in our car. Thus, when faced with leftovers/to-go moments, we have a our own non styrofoam options. Lead by example! The whole world is watching...

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HB2202

Submitted on: 2/3/2014

Testimony for EEP on Feb 4, 2014 08:30AM in Conference Room

LATE

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Dennis McQuoid | Individual | Oppose | No |

Comments: My coffee shop has been using compostable cups since we began business three years ago. However, we have recently decided that compostable products are not a solution for Hawaii. The biggest problem is that compostable products require commercial composters to break down. The State does not have sufficient composting or compostable collecting capabilities to deal with compostable products. Because of this, most all compostable products end up in landfills where they do not compost. The extra cost for compostable products over normal paper products with poly liners is extreme - nearly double. This cost cuts into the already small profit margins of food and beverage establishments. Unfortunately, the added cost of compostables does nothing to help the local environment and places yet another burden on small businesses.

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HB2202

Submitted on: 2/3/2014

Testimony for EEP on Feb 4, 2014 08:30AM in Conference Room 325

LATE

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Toni Schattauer | Individual | Support | No |

Comments: Please: reduce plastic and styrofoam waste! I support this bill!

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HB2202

Submitted on: 2/3/2014

Testimony for EEP on Feb 4, 2014 08:30AM in Conf



| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Ashley watts | Individual | Comments Only | No |

Comments: Please pass this as an alternative to plastic and styrofoam. We are only harming ourselves by creating more unbiodegradable trash!

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LATE

Feb. 3, 2014

Committee Chairs & Members of Energy & Environmental Protection (EEP)

RE: Strong Support for HB 2202 – Relating to Disposable Containers

Hearing on Tue., Feb. 4, State Capitol, Conf. Rm. 325, 8:30am.

Dear Chair Lee, Vice Chair Thielen and Committee Members,

My name is Stuart Coleman, and I am the Hawaii Coordinator of the Surfrider Foundation. With more than 5000 activists and members across the state, Surfrider's Hawaii Chapters strongly support passage of HB 2202. This bill is designed to address the harms of expanded polystyrene (EPS) foam food service products that are degrading the environment, harming marine life and posing a serious threat to human health. The legislation would simply require that restaurants and food service vendors at least provide compostable, non-toxic, eco-friendly containers to help protect the health of consumers, marine animals and the coastal environment.

Here are some top reasons why EPS foam food service products are dangerous and wasteful:

1. EPS foam is a toxic form of plastic made from non-renewable fossil fuels and synthetic chemicals like styrene that leach out over time, especially in contact with hot, greasy or acidic food.
2. According to the National Institutes of Health (NIH), styrene is a known carcinogen for animals and will soon be confirmed as a carcinogen for humans too. The EPA says 100% of humans have styrene in their bodies.
3. Because EPS foam food service products are more than 90% air, they break apart easily and are often blown onto our coastal areas and out to sea, where they are listed as one of the top 5 items collected at beach cleanups.
4. EPS foam products never biodegrade but only photo-degrade into smaller micro-plastics that attract toxic chemicals and are often consumed by marine creatures who mistake them for food.
5. Hawaii has the highest per capita rate of take-out food in the country, and many food containers are made of EPS foam products that leach styrene and other toxic chemicals into hot foods and beverages.
6. Most of these products are either hauled to our overflowing landfill or burned at H-Power, creating toxic ash and releasing styrene gas, a known carcinogen.

Because EPS food service products are toxic to the environment and human health, people in Hawaii should have the right to choose a healthier, eco-friendly alternative. But many restaurants only offer EPS foam products, and this isn't fair to locals or visitors to Hawaii. This bill gives customers the choice they deserve.

The simple solution to the many problems posed by EPS foam products is simply to offer compostable food service containers, which are already being distributed throughout Hawaii. These products are non-toxic, decompose naturally and pose no threats to the environment or human health. They don't break apart and blow out to sea and are also less bulky and produce much more energy when burned in H-Power. Mahalo for your time and consideration and please feel free to contact me if you have any questions or suggestions.

Sincerely,

Stuart H. Coleman
Hawaii Coordinator

Testimony in Support of HB2202

Doorae Shin

UH Mānoa Student



LATE

Aloha, my name is Doorae Shin. I work as the Student Liaison to the Manoa Sustainability Council and am currently pursuing a Bachelors in Sustainability Studies at UH Mānoa. I'm attending this hearing to testify in wholehearted support of HB2202.

Though I should be in class, I am here because almost every single one of my courses in all recent semesters has had an emphasis on environmental protection and the accelerating rates of climate change, and especially Hawai'i's vulnerability to environmental change.

Last week, in a Globalization course, we recently learned of The Maldives, an island nation which faces increasing sea level rise and loss of hundreds of feet of coastline. With 2,000 islands making up this nation, dozens and dozens of these islands are preparing to sink in the next few generations because of uncontrolled rates of environmental degradation.

Technically, I moved to these islands for school, but emotionally, I flew over and stayed because of the beauty, serenity and nature which epitomizes this paradise I am now lucky to call home.

Through my involvement with non-profits and student activism, I have found more and more that the very beauty that I fell in love with in my time here is increasingly threatened the longer we forgo our responsibility to steward the fragile ecosystem of these islands.

At a recent beach cleanup at Magic Island, a friend and I walked to the rocks and for the full hour and a half we had to clean, we barely left a 5 foot by 5 foot area. As we looked and reached in the rocks, we found soda cans with indistinguishable designs and even found a syringe, but most of all, we found seemingly endless deposits of styrofoam deep within the rocs. One piece we found even had shells lodged into the foam like fossils, most likely there for several months or years. We left that afternoon knowing how much foam remained there for who knows how long.

I remain shocked at the amount of styrofoam used on these islands and I know I am not alone in saying that much of this foam is not in trash cans, but floating around on the streets, in our neighborhoods and on our shorelines and oceans.

And as a suspected human carcinogen, EPS foam is destined to be phased out of regular use by restaurants. Hundreds of counties in the U.S. have already imposed bans and regulations on the use of EPS foam, and California saw an incredible 30% decrease in landfill mass following widespread regulation of foam. Even UH Mānoa made a bold statement last April by implementing a policy to outright ban the use of EPS foam throughout the campus' food establishments.

We live in an incredible delicate ecosystem, and my hope is to settle down and have children here. I want to able to tell my children that this testimony may have made a small impact in a growing movement to protect them, protect the land they live in, the oceans they love and the beauty and serenity of the islands I hope they fall in love with as I did four years ago.

Mahalo,

Doora Shin

LATE

HB2202

Submitted on: 2/4/2014

Testimony for EEP on Feb 4, 2014 08:30AM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Kahi Pacarro | Individual | Support | No |

Comments: EPS continues to be one of the main things found on the beaches of Hawaii. With tourism being our driving economy we believe that having a clean coastline is extremely important to not only the sustainability of our economy but our coastlines. From a health aspect and representing now myself, the fact that EPS can be traced in all of our bloodstreams, and probably more for residents of Hawaii, is a scary notion. Anytime my food touches EPS, the styrene is leaching into the food within like with my plate lunches, my pho from my favorite Vietnamese restaurant, or even the to go leftovers from most restaurants. WE DON'T HAVE A CHOICE. We try to bring our own reusable to go wear but to be honest sometimes we forget. Let's convert our EPS factories to reusable or compostable to go wear factories preserving jobs. Not only preserve the jobs, but preserve their health. Maybe even better, we can create more jobs, a new greener industry that understands that Hawaii is one of the best and easiest places in the world to compost. I say GIVE US A CHOICE! I will gladly pay the extra .25 cents if a restaurant needs to charge to make up the difference in cost. Heck, I'd pay a buck! Or even better, restaurants should offer a discount if we bring our own. As Executive Director of Sustainable Coastlines Hawaii I support Bill HB 2202 and as a resident of Hawaii I support HB 2202. ALOHA.

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