



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

LATE

SENATE COMMITTEE ON ENERGY AND ENVIRONMENT  
SENATE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

S.B. 619, RELATING TO THE ENVIRONMENT

Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.  
Director of Health

February 7, 2013  
2:45 p.m.

1 **Department's Position:** The Department of Health respectfully does not have the resources to  
2 implement this measure and cannot support it in its current form.

3 **Fiscal Implications:** Undetermined amount for new staffing.

4 **Purpose and Justification:** This bill proposes to prohibit food establishments from using expanded  
5 polystyrene foam disposable containers and requires food establishments to use compostable food  
6 containers. Fines are specified for establishments that violate the law. It also requires the Department  
7 of Health to establish a list of alternative food containers to be posted on the department's website.

8 The department respectfully opposes this measure because we lack the resources to implement it.  
9 There are currently over 10,000 permitted food establishments statewide. Current staffing levels in the  
10 Environmental Health Services Division and Environmental Management Division programs are  
11 inadequate given the number of permitted facilities. This bill provides the department with no funding  
12 or staffing to implement a massive monitoring and enforcement program.

1           Also, there are currently no facilities in the state that compost used food containers, and no  
2 existing waste collection system that would promote the segregation and collection of used compostable  
3 containers.

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

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**SB619**

Submitted on: 2/7/2013

Testimony for ENE/CPN on Feb 7, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
B.A. McClintock	Individual	Support	No

Comments: Styrene is a known carcinogen. Let us all help in eliminating it!

**Aloha my name is Kahi Pacarro representing SCH, we've removed over 27000 pounds of trash with the help of over 3500 volunteers, with even more supporters worldwide.**

**Styrofoam is one of the major items we find on the beach. Especially on town coastlines where the majority of residents live because of offshore winds. We tally the trash we collect and find styrofoam as one of the top 5 by count every time.**

**We are trying to reduce our dependence on oil! Polystyrene is made out of petroleum which is shipped here.**

**No recycling facility on island for styrofoam.**

**The argument this bill would take away jobs it will actually create new jobs through making compostable products and managing efficient composting facilities,**

**Takes up room in landfill since it is 95% air. Inefficient.**

**Considering the leaching effect. Eating food in styrofoam is like drinking beer mixed with gas!**



**SB619**

Submitted on: 2/7/2013

Testimony for ENE/CPN on Feb 7, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Kanoelani Puuohau	Individual	Support	No

Comments: I am currently a resident of Nu'uuanu and I support SB619, which bans expanded polystyrene (EPS) foam food service containers in Hawai'i. The Hawai'i food service industry uses thousands of disposable food containers made from EPS foam on a daily basis. EPS foam containers are not compostable and are disposed of in our already overcrowded landfills, which contributes to Hawai'i's solid waste management issues. EPS foam is also comprised of 90% air and is easily transported by wind and water. This property causes the containers to litter our roads, beaches, parks and streams. Besides being unsightly, EPS foam litter is often mistakenly ingested by marine and coastal wildlife, which causes them sickness and death. Due to the negative impacts that EPS foam food service products have on Hawai'i's natural environment, I support the ban on these products in SB619.

**SB619**

Submitted on: 2/7/2013

Testimony for ENE/CPN on Feb 7, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Christen Hepuakoa Marquez	Individual	Support	No

Comments:



**SB619**

Submitted on: 2/7/2013

Testimony for ENE/CPN on Feb 7, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Furst	Individual	Support	No

Comments: I support SB 619, to ban EPS food containers in Hawaii because EPS poses a significant environmental threat. Due to its lightweight nature, wind readily blows it out into the environment and onto the ocean. EPS also readily breaks down into little pieces and is frequently ingested by marine life. In one startling study of gut content, it was found that up to 40% of fish had ingested Styrofoam, effectively entering the human food chain. Styrene, which is readily emitted from the foam, especially when holding hot food or when used for reheating, is a known carcinogen for animals and is strongly suspected to be a carcinogen for humans. Typically less than 1% of Styrofoam is recycled in the U.S., with none of it being recycled in Hawaii. It is the second most common type of beach debris, and in 2011, almost 20% of waste gathered in California highway cleanup efforts was polystyrene. Over 70 cities and counties in California alone have already enacted some form of polystyrene ban, as well as countries around the world, such as China and Haiti. Adopting sustainable practices, and in particular, reducing deleterious marine debris, is imperative for Hawaii, where the ocean is an essential part of both culture and economy.

Marirai C. Maui Tauotaha  
1617 Young St. A201  
Honolulu, HI 96826  
mauinko@gmail.com

02/07/2013

To: Hawai'i State Legislature, ENE/CPN Committees  
Re: SB619 & SB620 relating to mālama 'āina



Aloha Kākou,

I am writing in support of SB619 & SB620 of the 2013 Hawai'i State legislative session.

I praise and respect your desire to mālama 'āina and truly do your best to take care of our beautiful island home. I thank you for addressing this issue that has been on my mind for many, many years. Please forgive me for not submitting my testimony earlier.

I am always saddened to see any kind of trash on our 'āina and polystyrene foam seems to be one of the ones I see the most. We are blessed to have our food choices here in Hawai'i and many of us use food containers that are just not good for our 'āina. Today we have alternative choices like reusable and compostable food containers and I fully support using them. Otherwise we are just being lazy and disrespecting our home.

Shall we be smart or continue to be lazy? Because I love and respect my island home, I choose to be smart. Regardless of what you folks decide I will only spend my money at establishments that also mālama 'āina in this respect and will use my own reusable containers whenever possible.

For myself and many others this is an obvious choice. Please search your conscience and do what you feel is best for your home and your future generations.

Mahalo,  
Maui

February 7, 2013

House Committee on Energy & Environmental Protection

**Public Hearing: February 7, 2013, 2:45pm, Room 225**

**Re: SB 619, Banning EPS Foam**



Dear Chair Gabbard, Baker, Ige, and Members of the Committee,

I am in support of SB 619 that prohibits EPS foam containers from being distributed by food establishments.

EPS "foam" is ubiquitous in our coastal environment, in parks, at the beach, floating in our waterways, and persisting in our landfill quickly filling up already limited space. There is very compelling research that points out that this foam contains hazardous chemicals and is being consumed by marine life including seafood consumed by humans.

Further, there exists more environmentally friendly compostable alternatives at equal or slightly more cost. When taking into the account the costs that foam places on our environment and marine life, it seems to be much more expensive although the initial costs are low making it a popular choice by food vendors who do not directly pay for the harm caused after food is sold in foam containers.

Thank you for the opportunity to provide this testimony.

Steven Mazur  
59-625A Ke Iki Road  
Haleiwa, HI 96712

LATE

February 7, 2013

Senator Mike Gabbard  
Chair, Committee on Energy and Environment

Re: Support of SB619, Proposed legislation prohibiting food establishments from using expanded polystyrene foam disposable food service containers  
Hearing Date: Thursday, February 7, 2013, 2:45 p.m., Conference Room 225

Dear Senator Gabbard:

My name is Lisa Higa. I am a second year law student at the William S. Richardson School of Law at the University of Hawaii at Manoa. I am writing in support of SB619, proposed legislation prohibiting food establishments from using expanded polystyrene (EPS) foam disposable food service containers and requiring the use of compostable food service containers.

SB619 is important because 1) it will help to reduce solid waste in Hawaii's landfills and decrease EPS foam litter; 2) EPS foam is carcinogenic; and 3) EPS bans are commonplace in many U.S. cities. Hawaii should adopt a prohibition on EPS foam food containers to protect and preserve Hawaii's natural environment and people.

EPS foam containers are not environmentally responsible packaging for prepared foods because they go from consumer to trash in the short amount of time it takes to eat the food they contain. For their brief one-time use, EPS foam containers will remain in Hawaii's landfills for generations to come because they are not compostable<sup>i</sup>, that is, they do not break down in a safe or timely manner. Even when disposed of in trash cans or landfills, EPS foam breaks down into smaller pieces that are easily transported by wind and water to roads, parks, and other public places<sup>ii</sup>. EPS foam that accumulates in streams and storm drains eventually reach beaches and the ocean. When ingested by marine and coastal wildlife EPS foam can cause sickness and possibly death<sup>iii</sup>.

Prohibiting the use of EPS foam food containers will protect the health of Hawaii's people because EPS foam is made of styrene, a known carcinogen in animals, and identified by the U.S. Department of Health and Human Services in 2011 as a "reasonably anticipated human carcinogen<sup>iv</sup>." Styrene can be leached into hot foods that are put into EPS foam containers and into landfills where they are discarded. The U.S. Environmental Protection Agency cites landfill leaching as a major source of styrene in drinking water<sup>v</sup>.

Prohibitions on EPS foam food containers are not uncommon and are increasingly being adopted in cities and counties across the U.S. Portland, Oregon and Freeport, Maine adopted EPS foam bans over twenty years ago<sup>vi</sup>. Many cities and counties in California have banned the use of EPS foam containers, including Los Angeles, San Jose, San Francisco, and Oakland<sup>vii</sup>. Major metropolitan cities like Chicago, New York, Boston, and Philadelphia are considering EPS foam bans<sup>viii</sup>. California also considered a statewide ban on EPS foam, the first of its kind<sup>ix</sup>.



In just one year following the ban in San Francisco, there was a 36% reduction in EPS foam litter<sup>x</sup>. In Santa Cruz there was a 60% reduction in EPS foam litter on beaches<sup>xi</sup>. Cities that have adopted bans on plastic bags also implement bans on EPS foam containers because of the dramatic reduction in plastic bag litter. Such action is also appropriate for Hawaii because of the current bag bans in place on Maui and Kauai.

Hawaii needs legislation like SB619 to ensure the beauty and health of our state's natural environment and people. I support SB619. Thank you for your time and consideration. Please feel free to contact me should you have any questions or would like further information in support of this bill.

Mahalo,

Lisa Higa  
[lisahk@hawaii.edu](mailto:lisahk@hawaii.edu)

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<sup>i</sup> BPI, *What is a certified compostable product?* Available at <http://www.bpiworld.org/products.html> (last visited February 7, 2013)

<sup>ii</sup> George O. White, *The Case for Banning Styrofoam Foodservice Ware in Hawaii*, May 1, 2008, available at <http://styrophobia.akamai-marketing.com/wp-content/uploads/2010/11/THE-CASE-FOR-BANNING-STYROFOAM-FOODSERVICE-WARE-IN-HAWAII-George-White.pdf> (last visited February 7, 2013)

<sup>iii</sup> Id.

<sup>iv</sup> National Institute of Environmental Health Sciences, *10 Jun 2011: News Releases: New Substances Added to HHS Report on Carcinogens* available at <http://www.niehs.nih.gov/news/newsroom/releases/2011/june10/> (last visited February 7, 2013)

<sup>v</sup> United States Environmental Protection Agency, *Basic Information about Styrene in Drinking Water* available at <http://water.epa.gov/drink/contaminants/basicinformation/styrene.cfm> (last visited February 7, 2013)

<sup>vi</sup> Viv Biz Club, *Find a Styrofoam Ban (or Bans) in Your City / State* available at <http://vivbizclub.com/blog/2010/02/18/styrofoam-ban/> (last visited February 7, 2013)

<sup>vii</sup> Californians Against Waste, *Polystyrene: Local Ordinances* available at [http://www.cawrecycles.org/issues/plastic\\_campaign/polystyrene/local](http://www.cawrecycles.org/issues/plastic_campaign/polystyrene/local) (last visited February 7, 2013)

<sup>viii</sup> Viv Biz Club, *Find a Styrofoam Ban (or Bans) in Your City / State*

<sup>ix</sup> SB 568 Introduced by Senator Lowenthal available at [http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb\\_0551-0600/sb\\_568\\_bill\\_20110217\\_introduced.html](http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0551-0600/sb_568_bill_20110217_introduced.html) (last visited February 7, 2013)

<sup>x</sup> Clean Water Action California, *Facts about Foam Foodware Pollution*, available at <http://www.cleanwateraction.org/files/publications/ca/CWA%20PS%20litter%20fact%20sheet%20May%202012.pdf> (citing City of San Francisco Streets Litter Re-Audit 2008. Available at: [http://sfenvironment.org/downloads/library/2008\\_litter\\_audit.pdf](http://sfenvironment.org/downloads/library/2008_litter_audit.pdf).) (last visited February 7, 2013)

<sup>xi</sup> Clean Water Action, *Voluntary Bans Don't Work* available at <http://www.cleanwater.org/feature/voluntary-bans-dont-work> (last visited February 7, 2013)

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**SB619**

Submitted on: 2/7/2013

Testimony for ENE/CPN on Feb 7, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Risa Oram	Individual	Support	No

Comments: I support this bill to ban eps foam food service containers.

**SB619**

Submitted on: 2/7/2013

Testimony for ENE/CPN on Feb 7, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Gina Franchini	Individual	Support	No

Comments: 100% support!