

Honolulu, Hawaii

MAR 23

, 2018

RE: S.B. No. 2498  
S.D. 2  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committees on Energy & Environmental Protection and Health & Human Services, to which was referred S.B. No. 2498, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO POLYSTYRENE FOAM CONTAINERS,"

beg leave to report as follows:

The purpose of this measure is to protect the State's economy and environment by prohibiting the sale of polystyrene foam containers and serving of prepared food using polystyrene foam containers statewide.

The County of Maui Mayor's Office, Council Member representing District 4 of the County of Hawaii, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Beach Environmental Awareness Campaign Hawai'i, Surfrider Foundation, Surfrider Foundation's Oahu Chapter, Friends of Hanauma Bay, Environmental Caucus of the Democratic Party of Hawai'i, Hawaiian Affairs Caucus of the Democratic Party of Hawaii, 808 Cleanups, Buzz's Original Steak House, Kailua Beach Adventures, Animal Rights Hawai'i, Hawaii Beach Time, HI FOCUSED, FREE ACCESS COALITION, OrthoSport Hawaii, Choice Health Bar, Vegan Hills, The Nook Neighborhood Bistro, Keiko Conservation International, Banán, Nekton Surfwear, Olsen Pacific Consulting, Ocean Friendly Restaurants, Hawai'i Reef and Ocean Coalition, Kokua



Hawai'i Foundation, Merriman's Restaurant Group, Napili Canoe Club, East Oahu Lifeguard Association, Pi'ilani Farm, The Carbondale Beat, Urban Pacific Communications LLC., School for Examining Essential Questions of Sustainability, Sierra Club of Hawai'i, Hawai'i Wildlife Fund, Juicy Brew, Upcycle Hawaii, Kalalea Anahola Farm Hui, Frida's Mexican Beach House, Kona Brewing Company, Dolphin Quest, Wild Kids Hawaii, Turtle Island Restoration Network, SHARKastics Project, Maui Water Lily Farm, Ban Toxic Sunscreens, and numerous individuals supported this measure. The Hawaii Food Industry Association, Retail Merchants of Hawaii, Plastics Industry Association, Sanikleen Corporation USA, American Chemistry Council, KYD, Inc. dba K. Yamada Distributors, The Chamber of Commerce Hawaii, and several individuals opposed this measure. The Department of Health and Hawaii Restaurant Association provided comments.

Your Committees note that this measure will help to save funding from being dedicated to cleaning up polystyrene foam containers and will contribute to decreasing the impact on state taxpayers for spending tax revenues on cleaning litter, especially those in counties who have implemented prohibitions on the use of polystyrene products.

Your Committees have amended this measure by:

- (1) Authorizing, rather than requiring, the Department of Health to adopt rules to implement the prohibition of the sale of polystyrene foam containers and serving of prepared food using polystyrene foam containers;
- (2) Adding a severability clause; and
- (3) Clarifying that the intent of this measure is not to regulate inter-city or interstate commerce and not to be interpreted or applied as to conflict with any federal law.

Should the Committee on Finance deliberate on this measure further, your Committees respectfully request that the Department of the Attorney General provide comments on the applicability of Commerce Clause of the United States Constitution on this measure and how it can affect interstate commerce.



As affirmed by the records of votes of the members of your Committees on Energy & Environmental Protection and Health & Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2498, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2498, S.D. 2, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committees on Energy &  
Environmental Protection and  
Health & Human Services,

  
JOHN M. MIZUNO, Chair

  
CHRIS LEE, Chair





