

STAND. COM. REP. NO.

2597

Honolulu, Hawaii

MAR 01 2018

RE: S.B. No. 2498

S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.B. No. 2498, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent 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.

Your Committee received testimony in support of this measure
from the University of Hawaii at Manoa, Hawaii County District 4
Council Member Eileen O'Hara, Oahu County Committee on Legislative
Priorities of the Democratic Party of Hawai'i, Sierra Club of
Hawaii, Hawaii Wildlife Fund, Sustainable Coastlines Hawaii,
Surfrider Foundation, Surfrider Foundation Oahu Chapter, Young
Progressives Demanding Action, 808 Cleanups, Beach Environmental
Awareness Campaign Hawaii, One Ocean Conservation, Blue Sphere
Foundation, Malama Pupuokea-Waimea, Impact Hub Honolulu, PangeaSeed
Foundation, Keiko Conservation, Wipeout Crew, Environmental Caucus
of the Democratic Party of Hawaii, Free Access Coalition, Buzz's
Original Steak House, Kona Honu Divers, Vegan Hills, Kona Brewing
Company, Jack's Diving Locker, Big Island Divers, Skyline Eco-
Adventures, Friends of Hanauma Bay, Animal Rights Hawaii, The
Plastics Project, and four hundred one individuals. Your
Committee received testimony in opposition to this measure from



the American Chemistry Council; Hawaii Restaurant Association; Hawaii Food Industry Association; Chamber of Commerce Hawaii; KYD, Inc.; and one individual. Your Committee received comments on this measure from two individuals.

Your Committee finds that products made from polystyrene foam are a common kind of litter in Hawaii. Your Committee finds that polystyrene does not biodegrade, but instead persists in the environment, where it can leach toxins into the water and be ingested by marine animals and birds.

Your Committee notes that the Counties of Maui and Hawaii have enacted similar bans on polystyrene, with the County of Maui's ban scheduled to be effective beginning on January 1, 2019, and the County of Hawaii's ban scheduled to go into effect on July 1, 2019. Your Committee finds that a delayed effective date of July 1, 2019, for this measure will allow existing vendors to use their existing polystyrene products and transition to alternatives in an economical manner.

Your Committee has heard the concerns of the American Chemistry Council and Hawaii Restaurant Association that consumer education may be a more effective litter-control measure than a prohibition on polystyrene. Your Committee finds that the Department of Health is the appropriate body to institute a requirement on restaurants to educate their customers with respect to proper disposal of nonreusable food containers, including polystyrene.

Your Committee has amended this measure by:

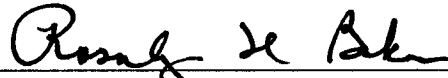
- (1) Adding language to the findings section favoring education programs regarding proper disposal of nonreusable food containers and litter reduction;
- (2) Clarifying that the defined term "vendor" means any person, firm, or corporation engaged in selling or offering for sale any prepared food containers;
- (3) Authorizing the rules adopted by the Department of Health to include a requirement for food vendors to educate their customers regarding proper disposal of nonreusable food containers and litter reduction;



- (4) Inserting an effective date of July 1, 2019; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2498, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2498, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,




ROSALYN H. BAKER, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2498, SD 1	AEN, CPH	2/26/18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
TOKUDA, Jill N. (VC)	/			
CHANG, Stanley	/			
ESPERO, Will	/			
IHARA, Jr., Les				-
NISHIHARA, Clarence K.	/			
RUDERMAN, Russell E.				-
TOTAL	5			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes