



SB367 SD1
RELATING TO ENVIRONMENTAL PROTECTION
Senate Committee on Judiciary
Senate Committee on Ways and Means

February 26, 2019

10:05 a.m.

Room 211

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB367 SD1, which would prohibit the distribution or use of polystyrene food containers, plastic bags, and similar single-use plastics by food service businesses, as well as the distribution of plastic bags by stores, thereby reducing the impacts of plastic waste on our native wildlife, marine and coastal resources, and associated Native Hawaiian traditional and customary practices.

Single-use plastics, such as polystyrene foam containers and plastic bags, have a well-established impact on native species of cultural significance, including endangered as well as subsistence resource species. For example, global production of polystyrene exceeds **300 million tons annually**; approximately **50 percent** of that production is disposed of indiscriminately into the environment, causing significant negative environmental impacts. In Hawaiian waters, the ingestion of discarded plastic debris including polystyrene and plastic bags by native seabirds, such as mōlī, as well as by endangered honu, is a well-documented phenomenon that may have highly injurious or even fatal consequences. Notably, such species hold special significance in Hawaiian culture and traditions: the cultural importance of seabirds includes their role in navigation, meteorology, craftwork, and in their spiritual symbolic significance; likewise, honu are also featured in numerous mo'olelo, hula, ki'i pōhaku, and other art forms, and were traditionally raised and harvested for food, medicinal, and other purposes. Such plastic debris may also be ingested by other marine fauna, and its bioaccumulation through the food web may adversely affect numerous other native and culturally significant marine species. **Therefore, reducing or eliminating the amount of disposable single-use plastics in Hawai'i may help to mitigate the impact of plastics on the native and endangered marine species in our islands' waters.**

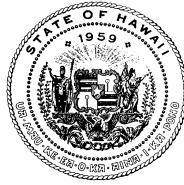
OHA further notes that plastic waste may also threaten the perpetuation of Native Hawaiian cultural and subsistence practices. For example, the toxins contained in discarded plastic, including those found in plastic itself as well as toxins readily absorbed by plastic material, may bioaccumulate in the marine food web, discouraging cultural and subsistence practitioners from the practice of gathering and consuming marine resources. The presence of plastic fragments or microplastics in our nearshore waters may also discourage the traditional gathering and consumption of pa'akai and other non-living resources. In addition, the harm caused to endangered and native species may foreclose

the future use of such species in Native Hawaiian traditional and customary practices, which depend upon the availability of healthy and abundant resources. Finally, the presence of discarded plastics may compromise the cultural and spiritual integrity of the marine and coastal environment, upon which Native Hawaiian subsistence practices and ways of life are inextricably tied.¹ **Accordingly, reducing the use and inevitable disposal of single-use plastics into our marine environment may also represent a small but important step towards the perpetuation of Native Hawaiian culture.**

Finally, while OHA understands and appreciates that economic concerns may be raised by some, OHA believes it may also be important to consider the economic benefits that would result from a ban on the single-use plastic products covered by this measure. For example, a reduction of plastic waste on our beaches and in our coastal waters will only enhance visitor experience and thereby economic activity in the islands. The outward commitment by our government to prioritize and be responsive to the needs of Hawai'i's marine ecology would also be favorable to Hawai'i's image as an attractive visitor destination. A single-use plastic ban would further enhance the market for locally produced, environmentally friendly alternatives to these products, injecting life into nascent sectors of our local economy and encouraging local, environmentally conscious entrepreneurship. Finally, the reduction of single-use plastic products' impacts on our marine and coastal environment, as well as on human health, may result in significant avoided economic costs associated with such impacts. OHA therefore urges the Committees to consider the significant economic benefits of a single-use plastics ban in any weighing of the marginal increased costs of using alternative products, if they are even necessary.

Therefore, OHA urges the Committees to **PASS** SB367 SD1. Mahalo nui for the opportunity to testify on this measure.

¹ In Native Hawaiian understanding the spatial bounds of 'āina and moana are viewed holistically and maintain powerful and epistemological connections to Hawaiian ancestry and resilience; in one salient example, hāko'ako'a, coral reefs, are prayed for and spoken of in the kumulipo, the Hawaiian creation chant.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

WRITTEN
TESTIMONY ONLY

**Testimony COMMENTING on SB0367 SD1
RELATING TO ENVIRONMENTAL PROTECTION**

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

SENATOR DONAVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date: February 26, 2019

Room Number: 211

1 **Fiscal Implications:** approximately \$1,000,000 annually

2 **Department Testimony:** This bill proposes to ban food service businesses and stores from the sale, use,
3 or distribution of polystyrene foam containers, expanded polystyrene food service products, plastic
4 straws, and plastic bags.

5 The Department of Health (Department) recognizes the urgency to address the impact of plastic
6 litter on the environment. However, we note that the proposed ban duplicates existing plastic bag bans in
7 all four counties as well as polystyrene food container bans that are active, or about to begin, in Hawaii
8 County and Maui County.

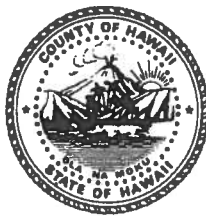
9 We further note that sales prohibitions do not fit into the area(s) of responsibility of any of the
10 Department's existing regulatory programs. The Department has not enforced litter laws since the
11 abolishment of the Litter Control Office in the late 1990s. We estimate that to re-establish the Litter
12 Control Office with an administrator, one clerical position, and a single inspector for each county will
13 cost approximately \$1,000,000 annually.

14 Finally, we ask that any mandates or appropriation made to implement this measure not impact
15 the priorities identified in the Governor's Executive Budget Request and the Department's appropriations
16 and personnel priorities.

17 **Offered Amendments:** None

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

REBECCA VILLEGAS
Council Member
District 7, Central Kona



PHONE: (808) 323-4267
FAX: (808) 323-4786
EMAIL: Rebecca.villegas@hawaiicounty.gov

LATE

HAWAI'I COUNTY COUNCIL

West Hawai'i Civic Center, Bldg. A
74-5044 Ane Keohokalole Hwy.
Kailua-Kona, Hawai'i 96740

February 25, 2019

TESTIMONY OF REBECCA VILLEGAS
COUNCIL MEMBER, HAWAI'I COUNTY COUNCIL
ON SB 367 SD 1, RELATING TO ENVIRONMENT PROTECTION.

Committee on Ways and Means

Committee on Judiciary

Tuesday, February 26, 2019

10:05 a.m.

Conference Room 211

Aloha Chair Dela Cruz, Chair Rhoads, Chair Ho'omalulu, and Members of the Committee:

I thank you for the opportunity to testify in support of SB 367 SD 1, relating to environmental protection. My testimony is submitted by my individual capacity as a member of the Hawai'i County Council and Chair of the Committee on Public Safety.

The purpose of this measure prohibits food service businesses and stores from the sale, use, or distribution of polystyrene foam containers, and expands to include polystyrene food service products, plastic straws, and plastic bags.

Amending the Hawai'i Revised Statutes by adding a new chapter to be appropriately designated will assist the State of Hawai'i with littering of polystyrene foam, and includes the prohibition on the sale, use, or distribution of plastic straws, and plastic bags. These materials are detrimental to not only our environment but also affects our local food chain and endangers marine animals and avian populations. These materials are the most common type of litter that pollutes the State of Hawai'i.

For the reasons stated above, I urge the Committee on Ways and Means, and the Committee on Judiciary to support this measure as well. Should you have any questions, please feel free to contact me at (808) 323-4267.

Mahalo for your consideration.

A handwritten signature in black ink, appearing to read "Rebecca Villegas".

Rebecca Villegas
Council Member, Hawai'i County Council

Hawai'i County is an Equal Opportunity Provider and Employer.

SB-367-SD-1

Submitted on: 2/22/2019 3:05:52 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Testifying for Animal Rights Hawai'i	Support	Yes

Comments:

Island Plastic Bags Inc.

TO: Chair Karl Rhoads; Vice Chair Glenn Wakai; and Committee

FROM: Adrian Hong, President of Island Plastic Bags, Inc.

RE: SB 367 SD1 RELATING TO ENVIRONMENTAL PROTECTION & SB 522 SD1 RELATING TO PLASTIC

POSITION: STRONGLY OPPOSE

Thank you for the opportunity to submit testimony in opposition of SB 367 SD1 & SB 522 SD1. My name is Adrian Hong and I am the president of Island Plastic Bags Inc., a second-generation, family business in Halawa Valley that manufactures plastic trash liners and food grade bags. If passed SB 367 SD1 & SB 522 SD1 would create a public health crisis, increase pollution in the state, and lead to loss of many jobs on the island.

Together these bills would prohibit the sale of any plastic bags. That means my company would no longer be able to sell biohazard bags and trash bags to nursing homes and hospitals across Hawaii. We would no longer be able to sell our trash liners and food grade bags to restaurants, janitorial cleaning services, hotels, bars, bakeries, etc. In addition, grocery stores would be prohibited from selling trash liners, Ziplocs, and other plastic bags to consumers. This would create a public health crisis.

The chances of patients in nursing homes and hospitals catching infectious diseases would dramatically increase if the nursing homes and hospitals could not purchase biohazard bags and trash liners. This would put the most vulnerable people in Hawaii at risk. Restaurants, bakeries, and other food establishments will become much more unsanitary places as there would be no easy way of containing trash carrying food borne illnesses like salmonella. Without food grade bags, chefs would be hard pressed to prevent food from coming into contact with all forms of contaminants. The same thing would happen in consumers' homes. Without trash liners, people won't have any easy way of containing trash that could make them sick. They would be forced to continually clean their trash cans. The water and chemicals used to do so would go down our storm drains, increasing water pollution.

Not only would water pollution increase but without the trash liners we sell to the State of Hawaii and the counties used for collecting trash at state parks, beaches, airports, etc., the beaches and other parks would be covered with litter. This would have a detrimental environmental impact. Instead of decreasing pollution, you would be increasing pollution by getting rid of trash liners and food grade bags.

Without the ability to sell our products to our customers, we would have to shut down our business and lay off our fifteen workers. This bill would most likely trigger layoffs in other local manufactures as well (ex. other trash liner manufacturers, plastic bottle manufacturers, and expanded polystyrene

Island Plastic Bags Inc.

manufacturers) and layoffs in companies that depend on the sales of those manufacturers. These employees depend on their pay and benefits to provide for their families.

Given the great economic and social harm this bill could do, I ask that these bills go no further. There are better ways of reducing the negative impacts of plastics without removing all the good it can do from society. Thank you again for the opportunity to testify. Should you have any questions or comments about my testimony you can contact me by email at ahong@islandplasticbags.com or by phone at 808-484-4046.

Sincerely,



Adrian K. Hong, CPA*

President

Island Plastic Bags, Inc.

www.islandplasticbags.com

Email: ahong@islandplasticbags.com | Phone: 808-484-4046 | Fax: 808-488-8505

*Not in public practice

SB-367-SD-1

Submitted on: 2/22/2019 3:48:00 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Lee	Testifying for Cooke Street Diner	Oppose	No

Comments:

Senate Committees of Judiciary and Ways and Means,

Aloha. I am the General Manager of Cooke St Diner in Kaka'ako. We serve working class people food. We serve a lot of construction workers and port workers. All of our food is served in styrofoam to-go containers because most people take their food to go. We are not a fancy fine dining restaurant. We provide breakfast and lunch to the regular person who is on the go. Our customers rely on cheap, quality food that will fill them up. Our customers have fixed budgets and we already struggle to keep costs low with so many rising costs.

This ban does not affect rich people, it affects working class people like me and my customers. Sure, I want to work on taking care of the environment. But, why should we pass policies that hurt the little guys?

Thank you,

Karen Lee

General Manager

Cooke St Diner

605 Cooke St

Honolulu, HI 96813

kar.lee.2007@gmail.com

(808) 597-8080

SB-367-SD-1

Submitted on: 2/22/2019 3:58:58 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Wong	Testifying for LoCo MoCo Drive Inn -Ewa Beach	Oppose	No

Comments:

Aloha ! I co-own and operate two take-out 'plate lunch' counters here on O'ahu. We have been in business nearly 25 years supporting our families and about a dozen employees.

Using the right to-go containers is important to us. To me nothing works better to keep hot food hot and cold food cold than polystyrene foam containers. And, nothing else keeps its shape when food gets "piled on." Hawaii has a lot of heavy dishes with rice plus big portions of hot, moist food on top and I for one like to fill up my customers.

Already most mom and pops are struggling to stay in business as rent and the cost of ingredients go up. A ban on polystyrene containers could add up to thousands of dollars per year and could be the straw that broke the camel's back. When we last check the cost was double, \$~55 vs. ~\$23 for a case of 200 bio-friendly vs. foam containers. Imagine going through an average of 3 (or more) cases a day, over \$11,000 year.

How would you feel if your favorite (locally owned and operated) take-out restaurant permanently closed shop?

Sincerely,

Eric Wong - Co Owner

Loco Moco Drive Inn - Ewa Beach

Wiki Wiki Drive Inn - Waterfront Plaza

SB-367-SD-1

Submitted on: 2/22/2019 3:44:43 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
George Ngyuen	Testifying for Pho Tri Restaurant	Oppose	No

Comments:

To: Hawaii State Senate

Judiciary Committee

Ways and Means Committee

From: George Nguyen

1307 Kalakaua Ave

Honolulu, Hawaii 96826

Date: February 26, 2019 Hearing

To whom it may concern:

I am a small business owner. I am a single dad and am putting my daughter through college. My family relies on my business, Pho Tri Vietnamese Restaurant. We use styrofoam to-go containers for our customers because they are the most affordable and they also work the best. I spend \$23 on a case of 200 styrofoam containers. Other containers cost \$52 for 200 containers. We use about 200 to-go containers per day. I work in my restaurant every day. I am not rich, but I am proud to have a small business that I started when I immigrated to this country. Banning these containers and making business more expensive will make it harder for other immigrants like me.

Please think about how this ban will affect small immigrant businesses like mine.

George Nguyen

Pho Tri Vietnamese Restaurant

1307 Kalakaua Ave

808-341-6012

SB-367-SD-1

Submitted on: 2/23/2019 1:52:05 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brodie Lockard	Testifying for Organizing for Action	Support	No

Comments:



1050 Bishop St. PMB 235 | Honolulu, HI 96813
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Executive Officers

Toby Taniguchi, KTA Superstores, *Chair*
Joe Carter, Coca-Cola Bottling of Hawaii, *Vice Chair*
Charlie Gustafson, Tamura Super Market, *Secretary/Treas.*
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Stan Brown, Acosta Sales & Marketing, *Advisor*
Paul Kosasa, ABC Stores, *Advisor*
Barry Taniguchi, KTA Superstores, *Advisor*
Derek Kurisu, KTA Superstores, *Advisor*

TO:

Committee on Judiciary and Committee on Ways and Means
Senator Karl Rhoads and Senator Donovan M. Dela Cruz, Chairs
Senator Glenn Wakai and Senator Gilbert S.C. Keith-Agaran, Vice Chairs

FROM: HAWAII FOOD INDUSTRY ASSOCIATION

Lauren Zirbel, Executive Director

DATE: February 26, 2019
TIME: 10:05am
PLACE: Conference Room 211

RE: SB367 SD1 Relating to Environmental Protection

Position: Oppose

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 is in opposition to this measure as it will raise prices on essential items for Hawaii consumers and not address the underlying causes of global marine debris or local littering and waste mismanagement.

Grocery stores and other food retailers would be especially hard hit by this measure. A recent audit of polystyrene and bag bans by the City and County of Honolulu City Auditor determined that:

“Any attempt to regulate the food service industry will impact a wide segment of Honolulu residents, largely in the form of price increases passed on to customers. Some impacts to certain vulnerable classes of residents need to be closely examined to prevent unnecessary effects and harms.”

The City and County of Honolulu City Auditor also determined that:

“Minimizing litter to keep our natural environment safe from harm is an important community objective. To be successful, the city should pursue comprehensive methods rather than a simplistic ban on a single kind of litter/trash that is unlikely to effectively reduce the overall amount of litter and its harm to the environment.”

For these reasons we ask that this measure be held.

SB-367-SD-1

Submitted on: 2/24/2019 6:49:41 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Bishop	Testifying for Friends of Hanauma Bay	Support	No

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, and members of the Judiciary and Ways and Means Committees,

Thank you for the opportunity to testify in Strong Support of SB367 SD1 which will measureably diminish the amount of polystyrene, plastic bags and plastic straws that endanger our marine life, birds, and other wildlife.

Mahalo,

Lisa Bishop

President



SENATE JOINT COMMITTEES ON JUDICIARY AND WAYS & MEANS

February 26, 2019 10:05 a.m. Room 211

In STRONG SUPPORT of SB367 SD1: Relating to Environmental Protection

Aloha Chairs Rhoads and Dela Cruz, Vice Chairs Wakai and Keith-Agaran, and members of the committees,

The HAWAII REEF AND OCEAN COALITION –HIROC– was formed in 2017 by coral reef scientists, educators, local Hawai'i environmental organizations, elected officials, and others to address a crisis facing Hawai'i's coral reefs and ocean, including harms from plastics.

We strongly support passage of SB367 SD1.

Polystyrene foam containers are ultra-light, produce litter on land, and often are blown into the ocean, where they harm marine life, including sea birds, fish, mammals and even our precious corals that protect Hawai'i's shorelines. Single-use plastics (straws, bags, bottles, utensils) similarly break into smaller and smaller pieces that choke sea birds and other marine life and carry bacteria that harms many forms of sea life. There are more sustainable alternatives to plastics that would involve only a small increase for consumers, with far less impact on our pristine environment. We must act now to protect our environment by reducing plastic use!

Mahalo for this opportunity to provide testimony **in strong support of SB367 SD1.**

Kimiko LaHaela Walter on behalf of the Hawai'i Reef and Ocean Coalition.

SB-367-SD-1

Submitted on: 2/25/2019 8:32:20 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Suehiro	Testifying for Nabeya Maido	Oppose	No

Comments:

To whom it may concern,

My name is Kevin Suehiro, and I am the owner of Nabeya Maido, a hot pot restaurant in Kaimuki. I work everyday and hardly have time to watch the local news, so it was quite a surprise when I heard about the potential styrofoam ban.

As a small business owner here in Hawaii, our restaurant is constantly faced with increasing food costs, increasing insurance costs, increasing minimum wage, and the ever increasing rent. So when I hear that there is a bill concerning the banning of plastic bags or styrofoam containers, I'm like, give us small businesses a break! For my restaurant, we use the styrofoam containers for our hot soups that the customers take out. We might not do as much volume as some of the plate lunch/bento places, but the alternatives to styrofoam are just too expensive. We would just have to pass those costs on to the customers which might lead them to lost business. I hope that when you folks are deciding these policies, you are taking into account ALL the points of view that are out there. For the people who want to ban styrofoam and plastic bags, I get you. I understand that it is bad for the ocean, that it is bad for the environment, but so are a lot of other things. Yes styrofoam will not decompose and might kill some marine life, but what do you say about oil spills or toxic runoff being dumped into our ocean? They kill marine life too. What I am trying to say is that there has to be some kind of middle ground where all parties can concede something to attain a positive outcome. I go to the beaches all over the island, and I have not personally seen all the trash that they say is flying into the ocean. What I do see are overflowing rubbish cans with no covers, I see homeless people with there worldly possessions in bags trying to live in makeshift tents. Can't the government do something without completely banning styrofoam and plastic bags?

People always talk about being ecologically friendly and "going green". But why is it when I thought of allowing my customers to bring in their containers to take their food home, a friend of mine warned me that the board of health considers that a health safety violation? I thought it would be correct to offer a small discount for customers to bring their own containers to take things home, I didn't think it would be a violation to do something "ecologically friendly". There has to be some give somewhere so we can all get along. You all want to do things black or white, but if you can find a way to meet

somewhere in the gray. Find something that you can offer the small businesses as a viable alternative to styrofoam, and I do not mean viable meaning it can do everything that styrofoam does,,,,,,but at 10x the price. Going with waxed coated containers or compostable containers with waxed paper lining or aluminum foil lining, does that really solve the problem? Waxed paper or aluminum foil flying into the ocean wouldn't seem to be an acceptable alternative either right? And to make all the compostable containers, where are we going to get the wood pulp from, are we going to cut down the trees that the world with climate change needs so dearly?

I don't have any answers for the styrofoam problem except for people trying to be more responsible and disposing of their trash in proper containers. I don't feel that banning styrofoam is the answer. There might be a lot of small shops who might just give up due to the ever increasing costs of doing business in Hawaii, and that would be just a shame. Small businesses with their unique flavor makes Hawaii Hawaii. You take away the small mom and pop, locally owned stores and have it replaced with big corporate businesses and you take away the uniqueness that we call home. I couldn't imagine going to eat and have only big restaurants with their "local" menus, it just wouldn't be Hawaii.

Please vote no on the styrofoam ban, and instead, think of ways that in the future, both sides can meet somewhere in the middle to make a better Hawaii to live in.

Mahalos,

Kevin Suehiro

SB-367-SD-1

Submitted on: 2/25/2019 8:44:54 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bryce Fujimoto	Testifying for Shiro's Saimin Haven	Oppose	No

Comments:

2/25/19

JDC/WAM Committees:

My name is Bryce Fujimoto and I am the Vice President and Catering Manager of Shiro's Saimin Haven. We are a family-run restaurant and have been in business for 50 years.

I am concerned with the upcoming state legislation around restaurant to-go packaging. At Shiro's, we use foam to-go containers. I have looked into alternative to-go packaging and there is no alternative packaging for hot soups that is as good as foam containers. Shiro's Saimin Haven uses foam to-go containers for the following few reasons:

1. The cost of doing business in Hawaii is rising at a frenetic pace: minimum wage, insurance, increasing regulation and restrictions, let alone food cost. Green containers are 2-3 times more expensive than foam. Our niche is providing affordable food to customers by making things in-house as much as possible. Forcing us to use green containers is one way to offset our hard in-house work. We would have to raise prices, and would not be able to offer the same affordable, quality food that we have offered for years. I am scared we will lose our customer base who depend on our low prices. It might just seem like one small change in our business to those looking in, but, I can assure you that one small change can affect our business' entire production and profitability.
2. We serve hot saimin soup and it is important for us to serve our customers delicious and hot food in a safe manner. Other containers cannot safely hold hot soup. We are concerned that staff and customers might burn their hands just by touching a take-out paper or compostable soup to-go container.
3. Paper and compostable soup containers leak and can not hold liquids.
4. I have not seen any green 24 or 32 oz squat containers, which is the size of container we need for our soup take-out.

This change to green containers would be more palatable if we had a compost station to process the green containers - unfortunately we do not have this and everything goes to H-power anyways.

We are all for protecting the environment but we ask that this ban is not rushed. Right now it just doesn't make sense. Containing trash to trash bins by using lids etc, regulating the transportation of trash might be better. Hopefully we can all work together to find a solution that does not have such a drastic impact on restaurants, especially small restaurants like mine.

Sincerely,

Bryce Fujimoto

VP/Catering Manager

Shiro's Saimin Haven

[98-020 Kamehameha Hwy. #109](#)

808-488-8824



Nicole Chatterson

Director, Zero Waste O'ahu

oahu.zerowaste@gmail.com

808.561.7730

February 25, 2019

Aloha Chair Rhoads, Chair Dela Cruz, and FIN and WAM Committee Members:

My name is Nicole Chatterson, and I am Mānoa resident and the Director of Zero Waste O'ahu writing in **strong support of SB 367**, to prohibit the sale, use, and distribution of polystyrene foam containers, plastic straws, and plastic bags.

In response to the claims made in previous testimony by Dexter Yamada (President of KYD, Inc. dba: K. Yamada Distributors) that polystyrene bans are ineffective and cause undue hardship on businesses, I would like to offer the following excerpt from the Hawai'i DOT 2016 "Trash Reduction Plan". While Mr. Yamada has claimed that polystyrene bans will not make a meaningful impact on litter, the state DOT has identified polystyrene reduction legislation and the second most effective trash reduction measure (just behind plastic bag reduction policy).

CONTROL MEASURE	TIER OR CONTROL MEASURE DESCRIPTION	REDUCTION CREDIT
Single-Use Carryout Plastic Bag Ordinances	Tier 1 – Prohibit Distribution at Large Supermarkets	6%
	Tier 2 – Prohibit Distribution at Retail Establishments that Sell Packaged Foods	8%
	Tier 3 – Prohibit Distribution at All Retail Establishments (with the Exception of Restaurants)	10%
	Additional Credit	2%
Polystyrene Foam Food Service Ware Ordinances	Tier 1 – Prohibit Distribution at DOT-HWYS-sponsored Events and DOT-HWYS-owned Property	2%
	Tier 2 – Prohibit Distribution by Food Service Vendors	8%
Uncovered Loads Enforcement	Require Municipal Trash Haulers to Cover Loads	1%
	Enhanced Enforcement Program	4%
Anti-Littering and Dumping Enforcement	Anti-Littering and Illegal Dumping Enforcement Program	2%
	Tier 1 – 20-50% of Identified Hotspots Under Camera Surveillance	1%
	Tier 2 – > 50% of Identified Hotspots Under Camera Surveillance	2%
	Tier 1 – Physical Barriers or Improvements Implemented at 20-50% of Identified Hotspots	1%
	Tier 2 – Physical Barriers or Improvements Implemented at > 50% of Identified Hotspots	2%



This type of single-use plastic phase-out policy is being seen around the world. From island nations like New Zealand and the United Kingdom to places in the global south like Costa Rica and Ethiopia, communities are saying no single-use plastics on the basis of climate change mitigation and pollution prevention.

If single-use plastic consumption maintains on the current trajectory, **plastic use will account of 20% of our fossil fuel use by 2050¹**. While recycling and waste-to-energy are often cited as ways to deal with this plastic waste—we have recently seen that the recycling markets are too unstable to offer a consistent, sustainable solution to our waste. Compounding this, roughly 80% of the Global North's 'recyclable' plastics (exported from places like Hawai'i) are not recycled and instead escape into the marine environment.²

While we have the option to incinerate plastic for energy locally via H-POWER, this is also a flawed approach. Per megawatt, **H-POWER produces 3 times more greenhouse gas emissions than Kahe—O'ahu's largest oil-based energy plant.**³ Further, **H-POWER requires 800,000 tons of waste annually** to maintain operations and profit margins. This means that waste production is incentivized, driving more upstream impacts through the extraction, production, and transportation of products-turned-trash. According to the U.S. EPA, about 42% of the U.S. greenhouse gas footprint results from this production-disposal chain⁴.

If Hawai'i is indeed serious about our commitment to the Paris Climate Accord and mitigating our climate footprint, it is clear that single-use plastic reduction is a necessary part of our climate change prevention tool-kit. Plastic pollution reduction and movement away from a single-use economy are directly tied to the Aloha + Challenge goal to reduce our solid waste footprint and build sustainable communities. Further, plastic and single-use reduction also correspond to the following [United Nations Sustainable Development Goals](#), which have been adopted as a framework by the Hawai'i State Senate.

- **SDG 12 = Responsible Production & Consumption**
- **SDG 13 = Climate Action**
- **SDG 14 = Life Below Water**
- **SDG 15 = Life on Land -**

Mahalo for your time and consideration.

Nicole Chatterson, Director of Zero Waste O'ahu

¹ UNEP (2018). SINGLE-USE PLASTICS: A Roadmap for Sustainability

² World Economic Forum (2015). The New Plastics Economy. Rethinking the future of plastics.

³ <https://ghgdata.epa.gov/ghgp/main.do>

⁴ <https://www.epa.gov/smm/epa-sustainable-materials-management-program-strategic-plan-fiscal-years-2017-2022>

SB-367-SD-1

Submitted on: 2/25/2019 9:31:02 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stacey Gray	Testifying for No Single Use Hawaii	Support	No

Comments:

Aloha Chairs and Committee Members,

We urge you to support SB367 to discontinue the use of foam containers, plastic straws, and plastic bags. When the plastic bag ban was passed, an unfortunate allowance of a hardship for food industry was left in that bill. This defeats the purpose of a bag ban, if a large number of businesses continue to use them. The "reusable" plastic bags currently being sold at Safeway and Walmart are exploiting a loose definition of reusable. This needs to change. We the voters do not want to see single use plastics in our state. Mahalo for your time and we hope you will pass this important bill through this joint committee.

SB-367-SD-1

Submitted on: 2/25/2019 9:50:30 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

LATE

Oppose Foam Food Container Ban, SB 367
Feb. 26, 2019 Hearing - Judiciary and Ways and Means

Dear Senators:

We are a small Chinese restaurant in Honolulu Chinatown. It's a family run business with 24 seats and about 40 guests a day. Nearly 60% of our business is take-out. Foam containers do not leak and keep food hot which is important for take-out customers.

I want repeat customers and have only raised my price once in 4 years. \$8.00 plate lunch raised to \$8.50. We serve tasty, affordable meals and try to keep it affordable for our customers who are very familiar with my price.

My sales are predictable and I also cater and deliver to surrounding companies. To keep my prices low and to pay workers I use foam containers. I have gone to Chef Zone and looked at other containers but they cost 3X more than the foam containers.

Rent is very high, cost of vegetables and meat is very high. Meat is the highest wholesale price compared to other states. I can only control labor not these other price increases. I do not want to reduce hours or lay off workers who need jobs.

I want choice of what containers I use. If our business grows I can even get the higher costing containers.

Instead of ban on foam containers, regulate trash and have a place for it to go so it avoids the ocean.

Thank you,

Gaven Wu
Papa's Café
1120 Maunakea Street #105
Honolulu
(808) 523-8668



February 24, 2019

LATE

To: The Honorable Karl Rhodes, Chair
Members, Senate Committee on Judiciary

The Honorable Donovan Dela Cruz, Chair
Members, Senate Committee on Ways and Means

From: Tim Shestek, Senior Director
State Affairs

RE: SB 367 SD1 - OPPOSE

The American Chemistry Council (ACC) must respectfully oppose SB 367 SD1, which would ban the sale, use and distribution of polystyrene foodservice containers, plastic straws, and plastic bags in Hawaii. ACC and its members certainly support efforts to reduce litter and marine debris; however, SB 367 SD1 appears to be drafted under the false assumption that alternatives to polystyrene foodservice containers are environmentally preferable.

ACC membership includes the leading suppliers and manufacturers of plastics foodservice packaging products, including polystyrene food and beverage containers. Unfortunately, the proposed bill is based on many misperceptions about polystyrene foam foodservice products, including that it cannot be recycled and that alternative food service materials leave a lighter environmental footprint and can be easily recycled or composted.

Key questions ACC believes the Legislature should assess prior to imposing new mandates on Hawaii businesses include:

- Will this legislation actually reduce waste or rather simply result in replacing one type of trash with another?
- Are there environmental impacts (e.g. energy use, water use, impacts on greenhouse gas emissions, trash generation, landfill waste, etc.) associated with the manufacture, distribution, use and disposal of likely alternative replacement products?
- Are likely replacement products recycled or composted within the State's existing infrastructure and do viable, end use markets exist for these products?

Impacts on Trash Generation/Disposal/Litter

New policies and practices should ensure that no waste, plastic or otherwise, ends up having a negative impact on the environment. SB 367 SD1 is misguided and likely to be ineffective based on data from completed litter studies. The bill fails to recognize that litter and improper waste management are independent of material type. In fact, a study recently completed by the Honolulu City Auditor found that a "simplistic ban on a single kind of litter or trash is unlikely to effectively reduce the overall amount of litter and its harm to the environment"¹.

Litter studies conducted following the enactment of a ban have shown an increase in the litter of alternative materials that is greater than the decline in the banned material. For example, when the City of San Francisco placed restrictions on the use of certain plastic foodservice products, the City found that replacement products became more dominant in

¹ http://www.honolulu.gov/rep/site/oca/oca_docs/PS_Ban_Study_Final_Report.pdf



the litter stream². For this reason the California Water board rejected the use of bans as a compliance mechanism for waterborne trash reduction³.

Assessing Polystyrene Foam and Likely Replacement Products

If alternatives are considered, the decision needs to be based on a full life cycle analysis. 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 products⁴.
- A polystyrene hot beverage cup requires about 50% LESS energy to produce than a similar plastic-coated paperboard cup with a corrugated cup sleeve, and creates significantly fewer greenhouse gas emissions than a similar coated paper-based cup with its corrugated 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 products⁵.

It is also important to note that compostable food service containers only “degrade” in a controlled composting environment – essentially a large industrial facility where temperatures can exceed 140 degrees for several days. Hawaii does not currently have a commercial composting facility to process compostable alternatives, so these products will end up in a landfill. Biodegradable 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.

The Biodegradable Products Institute (BPI), a not-for-profit association of key individuals and groups from government, industry, and academia seeks to educate manufacturers, legislators and consumers about the importance of scientifically based standards for compostable materials which biodegrade in large composting facilities. Under their “Myths of Biodegradation”, BPI states:

Myth: Biodegradable products are the preferred environmental solution because waste simply biodegrades in the landfill.

Reality: Nothing biodegrades in a landfill because nothing is supposed to⁶.

Cost Impacts

Lastly, replacements for polystyrene products will likely result in higher operating costs for restaurants, caterers, delis, and the host of other food providers covered under SB 367 SD1. Polystyrene containers cost 2-3 times less than replacement products, which in some cases do not perform well, especially for very hot and cold food and beverages.

Straws

There are many circumstances in which the use of drinking straws will enhance safety, and promote sanitary conditions. However, there are also circumstances when a drinking straw is automatically provided in a drink before the consumer has asked for one. ACC’s position on straws is designed to help avoid wasteful use by recommending that straws not be provided unless customers ask for them. At the same time, it acknowledges that there are circumstances where straws

² https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/MRP/02-2012/Comments/Dart/Staff_Exhibits.pdf

³ http://www.waterboards.ca.gov/water_issues/programs/trash_control/docs/trash_sr_040715.pdf

⁴ Life Cycle Inventory of Foam Polystyrene, Paper-Based, and PLA Foodservice Products, prepared by Franklin Associates, a Division of ERG, February, 2011

⁵ Alternative to Disposable Shopping Bags and Food Service Items Volume I, prepared for Seattle Public Utilities, January 2008, Herrera Environmental Consultants

⁶ See <http://www.bpiworld.org/Default.aspx?pagelid=190439>



enhance safety and sanitary conditions. Adopting this type of voluntary policy will help prevent any unnecessary and potentially wasteful use, while ensuring that straws can still be distributed to those who need them.

Instead of banning plastic straws as proposed in SB 367 SD1, we would instead encourage material suppliers, product makers, food/drink establishments and NGOs to work collaboratively to promote the responsible use of straws.

Efforts to Address Litter and Marine Debris

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 litter and marine debris.

On January 16th global companies in the plastic value chain including many ACC members announced the creation of a new non-profit called the Alliance to End Plastic Waste. This new group is committing \$1.5 Billion over five years to end plastic waste and will focus on providing help to the largest sources of plastic in our ocean.

Some of our recent activity also 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>.

Additionally, last year ACC partnered with the City and County of Honolulu on a pilot project to find and close off potential pathways for trash from land-based sources to migrate into the marine environment. One of the primary sources of litter found near waterways and beaches on Oahu is uncovered public trash cans that allow garbage to blow out. Through our partnership, ACC and the City and County of Honolulu identified a better design for outdoor public garbage cans to keep trash out of parks, and most importantly, out of waterways and the ocean.

ACC believes that reducing landfill disposal, marine debris and litter requires the implementation of a variety of tools. In addition to efforts that seek to increase recycling and improve solid waste collection infrastructure, opportunities to recover non-recycled plastics may be an option as well. An emerging set of technologies is allowing governments and businesses to convert non-recycled plastics into energy, fuels, and feedstocks, or raw materials for new manufacturing. A range of energy recovery technologies are being used to complement recycling in helping to divert more valuable post-use materials from landfills. Some of the most widely used and rapidly emerging technologies include waste-to-energy, plastics-to-fuels, gasification, and solid recovery fuels.

Experts agree that improving waste management is the key to addressing marine debris. Attempts to reduce marine debris through product bans fail to recognize the underlying source of marine debris in developed countries, litter. Thank you in advance for considering our views. If you have any questions 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 representative Ross Yamasaki at 808-531-4551.



SB-367-SD-1

Submitted on: 2/25/2019 10:24:08 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Ushijima	Testifying for the Hibachi	Oppose	No

Comments:

Tues. Feb 26, 2019 - Hearing

Senate Committees on Judiciary and Ways and Means

SB 367 - Oppose

Members of the Committees:

My name is Mark Ushijima and I am a partner in the Hibachi Kailua. I am strongly against a ban on styrofoam containers in Hawaii. This will truly impact the small businesses in Hawaii. We already have high overhead costs (labor, electricity, taxes, fees, lease rent, etc...) that adding to our cost of goods would be very detrimental.

I also have a small business with my friend in Washington State. Washington State did not impose a ban on styrofoam but they strongly discourage styrofoam. They understand the importance of small businesses in Washington.

State legislators should review the Honolulu City Auditor's Study (which I participated in) about Single Use Polystyrene Food Containers and Plastic Bags.

http://www.honolulu.gov/rep/site/oca/oca_docs/PS_Ban_Study_Final_Report.pdf

The City Auditor finds that the majority of litter observed was miscellaneous items, and food service items mainly of non-polystyrene material that would remain unaffected by a ban.

Since there are no reusable alternative food containers, the ban will only change the material of the container, and that substitute container will become litter. Customers sometimes bring in personal reusable containers but many do not know that is against the law due to safety and hygiene reasons.

Focusing on styrofoam and only one type of plastic, that is not a big part of the waste stream, doesn't make sense. Someone should look at all the plastics from retail chips to juice pouches to frozen food bags—just walk through a grocery store. Some of these like potato chip bags are littered on streets, parks and beaches far more than foam food containers. I don't understand this. There are so many other plastic litter why go after a economical, useful product that's not even a major part of the litter problem.

Please do not pass this law. Not only will it affect the business owners but it will also affect the employees who work tirelessly for higher wages.

Thank you,
Mark Ushijima
the Hibachi
515 Kailua Road
Kailua, HI 96734
thehibachihawaii@gmail.com

SB-367-SD-1

Submitted on: 2/25/2019 10:28:20 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Gwen Alejo-Herring	Testifying for Queen Street Cafe & Grill	Oppose	No

Comments:

SB 367 — Oppose Foam Food Container Ban Bill

Senate Committee on Judiciary and Ways and Means

Aloha Senators,

My name is Gwen Alejo-Herring. I am the owner and operator of the Queen Street Cafe & Grill in the Aiea Town Square.

My cafe prepares and sells plate lunches like kiawe grilled steak, firecracker chicken, ahi Belly and more. All entrees come with a choice of two scoops rice, garlic mash or brown rice, along with a choice of potato, mac or tossed salad.

We use foam food containers because it can handle the weight, moisture and retain the heat of our foods. My customers and I believe foam food container bans don't make sense because here on Oahu, foam food containers and even compostable containers all go to HPower for energy production. If there were a biodegradable/compostable plant, it then makes more sense for paying more for biodegradable containers.

I also provide lunch for schools. One school requires biodegradable plates, which I find to be flimsy and I worry about if and when a child may get burned from hot lunches. Another school that I work with uses the foam plates. I notice that the biodegradable plates are double or more the price of the foam plates.

If a foam food container ban becomes law, I will need to raise prices and I worry about losing customers. Everyone is very price-conscious.

Please do not support these foam container ban bills.

Sincerely,

Gwen Alejo-Herring

Queen Street Cafe & Grill

99-080 Kauhale Street Aiea,

HI 96701

galejherring@gmail.com

SB-367-SD-1

Submitted on: 2/25/2019 10:30:15 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Dombrosky	Testifying for HNA FOOD SERVICES LLC	Oppose	No

Comments:

To: Hawaii State Senate

Ways and Means and Judiciary

From: Tsukenjo Restaurant

Aloha Committee:

I am writing to you as the owner of a small plate lunch restaurant. We had the great fortune to be able to move from Kakaako to Downtown last year. Normally I am the only person working in the restaurant, but we have had success in Town and we were able to hire a part-time kitchen help. Before we moved, and on the days when the kitchen staff doesn't come in, I wake up at 3am to open the restaurant on time by 5:30am. I am the cook, cashier, dish washer, handle all maintenance and cleaning, and manage the books. This is not a glorious job, but I love it. Running this business is my passion and I love being self-employed. However, with high costs, we are considering moving again because it is so hard to make a profit and to stay in business while maintaining sanity.

I am very concerned about this proposed ban on styrofoam containers.

Of course I care about the environment and I love our beautiful island. But, I already work so hard and our profits are so thin. It frustrates me to no end that I work hard, and try to move up and then I hear about these laws that only affect the small mom and pop restaurants.

Why can't you create environmental laws that don't only hurt the little guys? More trash cans won't hurt small businesses, but helps the environment. Better recycling is good too. Maybe instead we can have a law where customers have to ask for bags or utensils? Or we can encourage customers to bring their own to-go containers. All of those ideas do not hurt business.

Tsukenjos has been around since 1959. Plate lunch is important to our culture. Why do you think so many restaurants that serve plate lunch use styrofoam? Are you willing to vote on something that 100% impacts all plate lunch restaurants? This law is just not fair. I really do struggle and work so hard to stay in business, provide for my family, and provide for customers. I hope you can see this and you will reconsider this unfair idea.

Aloha,

Deborah Dombrosky

HNA Food Service LLC dba Tsukenjo's

1148 Bishop St

Hon, HI 96813

808-779-4328

tsukenjo705@gmail.com

SB-367-SD-1

Submitted on: 2/25/2019 10:33:11 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
James Kim	Testifying for Jets Fast Food	Oppose	No

Comments:

Senate JUD/WAM Hearing

Tues. Feb. 26, 2019 SB367 - Oppose Bans on Polystyrene Food Service Products

Dear Senators,

I have a small restaurant in the airport area. Hawaii is a very tough place to own a business. A statewide ban on foam food service products will make it even harder. I try not to pass on too much of my business expense to customers because everything is so competitive and I will lose business if my food prices are raised too much.

I have looked at compostable containers and it doesn't work for my business. The good ones are too expensive. The lower cost ones do not work well; hot rice or other food, and even salad make the containers soggy. Customers don't like it when the rice sticks to the container or tastes like pulp.

Thank you

James Kim

Jets Fast Food

2957 Koapaka Street

(808) 833-7155

more1s@icloud.com

SB-367-SD-1

Submitted on: 2/25/2019 10:39:07 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Morita	Testifying for Tatsuos	Oppose	No

Comments:

We are opposed to this bill, because we feel that it will raise the cost of the new products even higher. Small mom and pop stores will have a hard time because we will have to adjust to the increase in price, higher cost for plate lunches ,etc. For us as a very small business, we wouldn't like to pass on the additional cost to our customers who are also struggling everyday.

I really feel that education at the lower levels in school is the way to go. Just like recycling programs, fire education in the elementary schools, the DARE programs from the police dept. I feel that early education and awareness is the key, because its not the product it self thats the problem, its us as humans who are negilegent and careless about littering and proper disposal.

Tatsuos

Beach Environmental Awareness Campaign Hawai'i

P.O. Box 25284 · Honolulu · Hawai'i · 96825

(808) 393 2168 · www.b-e-a-c-h.org

LATE

DATE: 25th February, 2019

TO: Chair Rhoads and Members of the Committee on Judiciary
Chair Dela Cruz and Members of the Committee on Ways and Means

FROM: Dean Otsuki, President, Beach Environmental Awareness Campaign Hawai'i

RE: **TESTIMONY IN STRONG SUPPORT OF SB367 SD1**
Relating to environmental protection
Committee hearing on Tuesday 26th February, 2019 at 10:05AM

Aloha Chair Rhoads, Chair Dela Cruz and Committee Members,

Beach Environmental Awareness Campaign Hawai'i (B.E.A.C.H.) strongly supports SB367 SD 1 which bans plastic straws, plastic bags, polystyrene foam containers for food and drinks and expanded polystyrene service products. This bill is much needed to protect Hawai'i's environment and marine life.

It is necessary to ban the use of plastic bags, straws and foam containers because they are harmful to marine life. Good alternatives exist such as reusable metal, glass and bamboo straws. There are also disposable paper straws available. People can easily bring their own reusable bags instead of using plastic bags and bring their own containers for food and drinks. Food vendors can also provide compostable alternatives for much the same price as polystyrene. Any cost difference (which would be small - 10 cents or less) could be passed onto the consumer. Consumers will not be concerned about paying an extra 10 cents for a meal or drink knowing that they are getting their food/drink in a healthy container rather than a toxic one, as polystyrene leaches styrene a chemical which is harmful. People can also bring their own insulated container for hot food and drinks.

It would be good if this bill could also include a ban on foam bait containers as we have collected many of these from shorelines during beach clean-ups. Bait and other meat, fish and poultry can be wrapped as they used to be in butcher's paper (plain paper).

Please pass this bill. Thank you for the opportunity to provide written testimony in strong support of SB367 SD1.

Sincerely,



Dean Otsuki.
President, B.E.A.C.H.



Kelii Gouveia, Chairman – Duke's Waikiki **Tom Jones, Incoming Chair** – Gyotaku
Tammy Fukugawa, Vice Chair – TS Restaurant **Dirk Koeppenkastrop, Secretary** – IL Gelato Hawaii
Michael Miller, Treasurer – Tiki's Grill & Bar **Tyler Roukema, Past Chair** – Outrigger Canoe Club

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To: Sen. Donovan M. Dela Cruz, Chair
Sen. Gilbert S.C. Keith-Agarn, Vice Chair
Members of Committee on Ways and Means

Sen. Karl Rhoads, Chair
Sen. Glenn Wakai, Vice Chair
Members of Committee on Judiciary

From: Victor Lim, Legislative Lead
Hawaii Restaurant Association

Subj: SB 367 SD 1 Relating to Environmental Protection

Date: February 24, 2019

The Hawaii Restaurant Association representing over 3,500 restaurants here oppose SB 367 SD1 That prohibits food service businesses and stores from the sale, use, and or distribution of polystyrene foam containers, expanded polystyrene food service products, plastic straws, and plastic bags.

Polystyrene Foam Containers are a USDA approved product that is primarily used by ethnic businesses here in Honolulu due to its superior ability in transporting hot foods and soups. The neighbor islands have regulations against the product but here in Honolulu where all of the waste go to H Power. A recent report by the City Auditor Edwin Young in Honolulu shows that eliminating of these containers will basically shift from one type of waste product to another and they all end up at the H Power. We do not have any composting facilities here in Hawaii so we will just shift from an economical and durable product to a much more expensive one. It also states that less one percent of our total trash is currently made up of foam food containers.

Plastic Straws. We do support the bills and initiatives that state that straws should be given out only upon request at full service restaurants similar to the California State law that was passed in 2018. How beverages are consumed varies greatly from the sit down restaurants to the quick service restaurants with drive-thru where many food and beverages are consumed on the go. Alternate straws made from paper, bamboo, metal are all being tested around the world with limited success due to its performance, durability, after taste, and costs. Supply chain is seeking and working towards an alternate product but will not be ready with a good alternate product by July 1, 2021

NextGen Consortium. This is a partnership initially set up by Starbucks and McDonald's to fund research now joined by Coca Cola and Yum for food service containers that will be both environmentally green and meet performance needs of the food and beverage industry. Each of the parties contributed millions for this to help us find a workable solution.

Many of the major chains's like Steve Easterbrook, McDonald's CEO, has made a corporate commitment that by 2025, 100 percent of McDonald's guest packaging will come from renewable, recycled or certified sources with a preference for Forest Stewardship Council (FRC) certification. Many other major entities like Starbucks, are working on a similar path.





Kelii Gouveia, Chairman – Duke's Waikiki **Tom Jones, Incoming Chair** – Gyotaku
Tammy Fukugawa, Vice Chair – TS Restaurant **Dirk Koeppenkastrop, Secretary** – IL Gelato Hawaii
Michael Miller, Treasurer – Tiki's Grill & Bar **Tyler Roukema, Past Chair** – Outrigger Canoe Club

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Justin Yoshino
Kehau Giles
Ku'ulei Williams
Leianne Pedro
Lisa Tomihama
Liz Xu
Peter Bellisario
Richard Turbin
Sidney Higa
Tina Rogers
Victor Lim

The alternate industry is in its infancy and that why we at the Hawaii Restaurant Association urges Senators to be patient with these aggressive deadlines for implementation.

Thank you very much for giving us this opportunity to share the Restaurant Industry's perspective on this very important issue.





LATE

February 26, 2019

To: The Honorable Chair Karl Rhoads (Judiciary) and
The Honorable Chair Donovan Dela Cruz (Ways & Means)

From: Kona Brewing Company
Mary Rait; Director, Regulatory Compliance and Government Relations

RE: SB 367 SD1; Relating to Environmental Protection; **In Support**
February 26, 2019; Room 211

Kona Brewing Company offers our **support** of SB 367 SD1, which prohibits food service businesses and stores from the sale, use, or distribution of polystyrene foam containers, expanded polystyrene food service products, plastic straws, and plastic bags. We are encouraged by the statewide commitment to environmental protection and particularly the growing awareness of the negative impact of the use of polystyrene foam containers. Environmental sustainability is a key value of Kona Brewing Company and a guiding principle for how we operate. To this end, our organization does not use polystyrene or foam products and instead offers readily available environmentally friendly options at our pubs in Kailua-Kona and Koko Marina.

Kona Brewing Company runs our flagship brewery in Kailua-Kona, Hawaii and produces more than 12,000 barrels of beer per year. The company was started by a father and son team who had a dream to create fresh, local brews made with spirit, passion, and quality. Kona Brewing Company is currently in the process of expanding our pub and brewery operations in Hawaii to include a new state-of-the-art, eco-friendly 30,000 square-foot facility. In addition to creating more local jobs, this will increase our annual production capacity from 12,000 to 100,000 barrels. All the beer we produce in Hawaii is made for Hawaii distribution. Kona Brewing Company is proudly invested in the future of Hawaii, and therefore feels passionate about promoting environmental responsibility and sustainability.

Mahalo for the opportunity to testify and share our strong commitment to this effort.

Sincerely,

Mary Rait
Kona Brewing Company

LATE

SB-367-SD-1

Submitted on: 2/25/2019 12:03:06 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jenna Neher	Testifying for Surfrider Foundation	Support	No

Comments:

Yes to SB522! This bill is necessary because Hawaii intends to be the leader of sustainability in the United States! Santa Monica city has already passed ordinances with the same goal in mind and we should be doing the same. The phase out of polystyrene foam, plastic straws, utensils, bags, and water bottles is 100% necessary to be consumer-conscious today.

SB-367-SD-1

Submitted on: 2/25/2019 3:39:08 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
tien phan	Testifying for Stadium pho	Oppose	No

Comments:

my name is tien Phan i am a member owner of Phan LLC (DBA Stadium Pho)

i oppose the Ban of using styrofoams material container and any plastice utensil ,straw for foods services because i am a small Restaurant owner and we rely on them serve our customer need as far Dining in customer and carry out. Baning the use of such material will lead to use of other alternated that cost much higher and bring up the cost for our services. We as small business oner work extra hard , we do most of the work our self and even do work for our employee that often dont carry out their job correctly and on timely mater. so it is hard to have to spend that extra money to cover the new expensive to use the alternated material. Maybe one will challenger my believe by saying i should pass that new expense to customer . But by doing so will also scare customer away and not wanting to buy our foods and risk putting our business out of business. and most of our customer are also hard working men and women that have family driving up cost for meal does not help any one. While i understand the use of styrofoam and plastice like material is bad for the environment at the moment. we are not big business like Mcdonald Jackinthebox and Cheese Cake Factory that can hire as many employee as they please and lay on the beach enjoying that hawaiian sun. We work hard to make a living. please consider Us 90% of Citizen that is not mega richs in considering your dicision on these ban of material being use for foods serives.



LATE

**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 26, 2019**

Re: SB 367 SD1 Relating to Environmental Protection

Good morning Chairperson Rhoads and Chairperson Dela Cruz and members of the Senate Committee on Judiciary and the Committee on Ways and Means. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii (RMH) as founded in 1901 and is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

The Retail Merchants of Hawaii OPPOSES SB 367 SD1 Relating to Environmental Protection. Bans are not the simple answer. We need to maintain a fair balance regarding food service containers, bags, straws and other products and look at coordinated litter reduction programs.

Businesses respond to the wants of the customers that patronize their establishments all while operating on a very thin profit margin. They look for cost effective food containers that ensure that products are durable enough to protect people from spills and burns as well as keep food protected and fresh longer by sustaining appropriate temperature.

A mere substitution of polystyrene type containers, plastic straws, beverage containers and bags to another type will NOT result in reduced trash as more than likely the substitution product would be discarded in the same manner.

We need to be looking into a comprehensive litter reduction program that not only takes into account educating the public, but also looking for alternative solutions like public trash cans that are designed so that it will keep its content from flying out.

We also want to point out that the alternative products often creates more waste in volume and energy as well as increase air and water pollution – in the manufacturing of and in the transportation to the business.

In addition, we question if this measure would violate interstate commerce by banning the sale of prepackaged food items like that of Cup of Noodle.

We urge you to hold this measure. Mahalo again for this opportunity to testify.

LATE

SB-367-SD-1

Submitted on: 2/25/2019 4:25:40 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Howdeshell	Testifying for Restaurant	Oppose	No

Comments:

I am opposed.

Feb. 25, 2019

In Support of SB367 SD1 Relating to Environmental Protection
Senate Committees on Judiciary (JDC) & Ways And Means (WAM)
Feb. 26, 2019, 10:05 am, Room 211

Aloha, Chairs Rhoads & Dela Cruz, Vice Chairs Wakai and Keith-Aragan and Members of the Committees:

As the Hawaii Manager of the Surfrider Foundation, I am writing in strong support of SB367 to prohibit the use of polystyrene food containers. With the support of Surfrider's five Chapters and thousands of members across Hawaii, we are committed to reducing the litter and environmental hazards of foam and other single-use plastics as part of our popular Rise Above Plastics campaign. We are also part of the Hawaii Reef & Ocean Coalition (HIROC), a group of coral reef scientists, environmental groups, businesses and educational groups, and this bill is one of our top priorities this session.

Polystyrene food containers are one of the most littered items in our Islands. They are also one of the most toxic forms of plastic, and Hawaii has one of the highest per capita uses in the country. Opponents will say it's recyclable, but the fact is that less than 1% is ever recycled. They will also say that it's a "litter problem," but the plastics industry has been using this tactic and blaming the public for decades without producing products that are actually recyclable. An EPS foam ban was implemented in San Francisco, and there was a 30% decrease in EPS litter within one year (San Francisco Street Litter Re-Audit, 2008). Over 110 cities and counties across the country have enacted EPS foam bans with dramatic decreases in litter. For an extensive list see: <http://www.surfrider.org/pages/polystyrene-ordinances>.

Industry lobbyists will also say that banning polystyrene food containers will hurt small businesses, but there are many restaurants that have dropped these products and are doing just fine. In fact, the new Ocean Friendly Restaurants Hawaii program has registered more than 200 restaurants that are foam-free in the last 20 months! Here's a partial list of all the restaurants in Hawaii:
www.oceanfriendlyrestaurantshawaii.org.

During our monthly beach cleanups around the state, EPS foam products are among the top items we find every single time. In fact, as part of International Coastal Cleanup Day, 17,383 cups, plates and pieces of EPS foam were removed from Hawaii's beaches in a single day on Sat., Sept. 19, 2015! That's why we need this bill, which would help reduce these litter problems and environmental issues by requiring restaurants and food service vendors to stop using toxic EPS foam containers.

We embrace a policy of "1, 2, C," meaning products should be recyclable #1 & #2 plastics or compostable. There are many compostable or non-toxic plastic alternatives that can be recycled. Although foam products may be cheaper to buy, they have a hidden cost that counties and citizens have to pay to clean them up. A recent Hawaii Dept. of Transportation (HDOT) report stated that banning plastic bags and styrofoam would save millions of dollars for the state and help save the County millions as well.

Although the FDA approved EPS foam products in 1958, the science since then has shown that these are toxic products. Here are some 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 dangerous carcinogen and neurotoxin that can lead to cancer, lymphoma and leukemia. The EPA says 100% of humans have styrene in their fat tissues.
3. Because EPS foam food service products are more than 90% air, they break apart easily and are often blown into our coastal areas and out to sea, where they are listed as one of the top 10 items collected at beach cleanups.
4. EPS foam never biodegrades but only breaks into smaller micro-plastics. These pieces act like sponges for toxic chemicals in the ocean and are consumed by marine creatures who mistake them for food. 660 marine species are known to ingest plastics, including endangered species like sea turtles and albatross.
5. Hawaii has one of the highest per capita rates of take-out food in the country, and many food containers are made of EPS foam products whose toxic chemicals threaten the health of humans & the environment.
6. A recent study in *Science* showed that plastics are a major cause of coral reef disease and decline, and our Islands are dependent on our coral reefs for seafood, ocean recreation and tourism.

Along with the facts above, there have been many scientific studies showing the harmful effects of polystyrene foam. That is why we don't want to delay taking action to reduce foam use and litter. In 2008, the Hawaii Senate passed SR78 SD1 to create a voluntary compliance program to switch from foam products to healthier alternatives, and both Maui and Hawaii Counties passed bills earlier this year to ban polystyrene food products.

The amount of testimony for these bills was overwhelmingly in favor of reducing polystyrene food containers. Though it's tempting to be swayed by the exaggerated claims of lobbyists for a few local foam producers and distributors, these same companies already carry and distribute more eco-friendly recyclable and compostable products because they see the writing on the wall. Scientific research and public sentiment have created a compelling case against foam products, and more than 110 cities and counties have already enacted successful foam bans. Polls show that most people in Hawaii support banning foam food products.

We appreciate that Hawaii's legislators have been environmental leaders in moving forward policies like the bills to ban plastic bags and create smoke-free parks & beaches. Now, we ask you to assert that same leadership on this issue. Because polystyrene food service products are toxic to the environment and human health, their use should be banned. There are many affordable alternatives that are non-toxic, biodegradable and pose no threats to the environment or human health and will cost the counties less to clean up.

Finally, with the bans in Maui and the Big Island, the states needs a consistent policy of eliminating these products. Protecting our land and people should be our top priority, not allowing a few companies to profit from outmoded products that harm the environment and our wildlife. Mahalo for your leadership on this issue.

Aloha,
Stuart Coleman
Stuart H. Coleman, Hawaii Manager

LATE



sustainable coastlines Hawaii

SB 367: Strong Support

Hearing: Tuesday, February 26, 2019 10:05 AM

Committee on JDC/WAM

Dear Members of the Senate JDC & WAM Committees,

Mahalo for your time, effort and energized focus on a series of bills that are addressing plastic pollution and its associated effects on our environment, climate change, waste generation, and of course on our visitor industry. **We are in strong support of SB367** – a phase out plan for single-use foam, straws, and foam. The problem is dire as the story and data that follow illustrate.

Sustainable Coastlines Hawai'i and our extended community is deeply concerned about plastics on our beaches, in our nearshore waters, and now found in marine life that calls these areas home. As a country, our citizens produce more than double per capita plastic waste of China and five times that of Indonesia, while (with Europe), housing 95% of the companies, lobbyists, and industries in the plastic economy (WEF 2016). By centering our eye on, Hawai'i, the U.S. state with the highest rates of waste generation (doubling the national average) and the beaches inundated with the Pacific Gyre's rapidly increasing plastic pollution (CNN 2016) we are at the heart of the global plastic problem. Up to 80% of the plastic in our oceans comes from land-based sources, estimated at 5-13 million tons of plastic. Hawai'i is uniquely positioned to focus the narrative of plastic solutions and our State has the opportunity to lead the world in a progressive movement that cultivates change at the source.

The United States environmental protection agency (EPA) outlines a waste pyramid in which reduction and re-use stand as the pinnacle to effective waste management. Our Cities, Counties, and State need to rethink the way they create, handle, and discuss waste. Sustainable Coastlines Hawai'i believes that we can become a leader in a regenerative economy in which we value reuse and recovery over the single-use items. Single-use plastics, like straws, polystyrene foam, plastic cutlery, bags, and water bottles are a fossil fuel driven, carbon emitting industry that has no place in an island economy where space is limited and our environmental health is the most important issue to our economy.

To date, the majority of dialogue regarding solutions to the plastic problem revolves around how we clean up our how we focus attention on regions of the world that have poorer

waste management. These solutions may help slow the flow of waste into our oceans or clean up what is already there, but do not help solve the underlying issue. As our ocean fills with more plastic by weight than fish (Washington Post 2016) by 2050, as we have seen a 610% increase in raw plastic production since 1975 (Jambeck 2015), and as 95% of plastic packaging globally (resulting in \$80-120 billion cost) is lost after a single-first use (WEF 2016), the solutions must be more geared towards a shift away from the fossil fuel based, greenhouse gas creating industry of plastics. Alternatives derived from compostable materials are widely available now as a stop-gap effort as we shift our economy back towards a system of reuse that is at the foundation of both Hawaiian culture and the ethic that this country began on.

United Nations Sustainable Development Goals

Plastic pollution reduction and movement away from a single-use economy are directly tied to the [United Nations Sustainable Development Goals](#) that our Senate has adopted and correspond to our Aloha + Challenge:

- Goal 12 = Responsible Production & Consumption - “Sustainable consumption and production is about promoting resource and energy efficiency, sustainable infrastructure, and providing access to basic services, green and decent jobs and a better quality of life for all. Its implementation helps to achieve overall development plans, reduce future economic, environmental and social costs, strengthen economic competitiveness and reduce poverty.” If our state aims to work on this goal, removing unnecessary materials from our waste stream is paramount in holding both producers and consumers responsible for their choices.
- Goal 13 = Climate Action - See the climate change section of this testimony
- Goal 14 = Life Below Water - Countless studies globally have assessed the dire impact of plastics on marine life from whales to corals. Many of these studies are referenced in this testimony.
- Goal 15 = Life on Land - Calculations of cleanup costs (See above section) on land for plastic pollution are astronomical as they affect our stormdrains, freshwater systems, and beaches. Not only are their direct costs from cleanup of polluted resources, but their will be mounting indirect costs to our tourism industry should pollution trends continue.

Plastics & Climate Change (SDG #13):

Plastics are made from fossil fuels. The proliferation of plastic production and the current projected increase will mean that plastic production will account for 20% of the global fossil fuel budget by 2050 (United Nations 2018). A recent study from UH Mānoa researchers, published in PLOS One, illustrates that not only are plastics contributing to greenhouse gases in the production & transportation sectors, they are also releasing methane and ethylene as they degrade in water and sunlight. This shed light on the full cycle consequences of plastic from production to disposal as major contributors to the climate crisis.

Cost of Plastic Pollution (SDG #12, 13, 14, 15):

The costs of plastic pollution are mounting in multiple sectors - financially, ecologically, and socially. Plastic is costing cities, counties, states, & countries millions of dollars and our global economy billions. Costs are passed to the taxpayers by burdening our stormwater management systems with the need for expensive best management practices and the costs of cleanups. Hawai'i State Department of Transportation (HDOT) has produced a trash plan that shows polystyrene foam and plastic bags as the top two contributors to the waste stream, while in California, the Natural Resource Defense Council (NRDC) created a plastic cleanup valuation study for 90+ counties in California. The study concluded that CA taxpayers are paying \$428 million per year to clean up plastic through storm drain management, street sweeping, and marine cleanups. San Diego County (with population of 1.3 equivalent to Hawaii) spends \$14 million alone on plastic cleanup. In late 2018, San Diego passed a sweeping prohibition of polystyrene foam and reduction of other single-use plastics, joining hundreds of municipalities across the globe in stemming this plastic tide.

"The economic damage caused by plastic waste is vast. Plastic litter in the Asia-Pacific region alone costs its tourism, fishing and shipping industries \$1.3 billion per year. In Europe, cleaning plastic waste from coasts and beaches costs about €630 million per year. Studies suggest that the total economic damage to the world's marine ecosystem caused by plastic amounts to at least \$13 billion every year. The economic, health and environmental reasons to act are clear." (UNEP 2018)

Harm to Reefs & Marine Life (SDG #14)

A recent study published in the renowned journal of *Science* describes the mounting issues of plastics on our fragile and threatened reefs. The study describes corals as being 90% more likely to be diseased when plastic sits on the reef. The billions of pieces of plastic already in the ocean are scarring reefs and then likely infecting them with the contamination that comes from their chemical properties that allow for microbial colonization of pathogens. In other words, plastics bio-accumulate toxins in the water and thus can transfer such toxins to other organisms like coral. This is yet another toxic consequence of plastics in our oceans, of which many more are described in the points below.

The effects to marine life in our oceans are mounting. 50 to 80 percent of dead sea turtles have ingested plastic. Plastic bags, which resemble jellyfish, are the most commonly found item in sea turtles' stomachs. Worldwide, 82 of 144 examined bird species contained plastic debris in their stomachs; and in some cases, 80 percent of the population had consumed plastic. Researchers found that 66 percent of Giant Petrel shorebirds regurgitated plastic when feeding their chicks. Commercial fish, such as Opah and Bigeye Tuna, consume plastic, which could significantly reduce global populations. A University of Hawaii study reports "[i]n the two [Opah] species found in Hawaiian waters, 58 percent of the small-eye opah and 43 percent of the big-eye opah had ingested some kind of debris."

On a recent field trip visiting with the Marine Mammal Research Program, we were guided through the facilities where beached and dead Pilot Whales had been examined. The stomach contents of the three animals found on O'ahu, Lana'i, and Kaua'i revealed between 15-30 lbs of plastic in the gut. Plastic does not breakdown like organic material and as marine animals continue to ingest the plastics their stomachs eventually fill to a state in which they can

no longer consume enough food to address proper nutritional maintenance. This is similar to the problem widely shared with Laysan Albatross in Papahānaumokuākea.

HPower and the problems of incineration (SDG #12):

Many arguments against polystyrene foam bans and other single-use plastics contend that keeping these products is helpful for our incineration and energy production. In direct interviews with Covanta, the operators of O'ahu's HPOWER, they have stated that plastics are some of the least efficient forms of waste to burn. Given their chemical composition, they burn fast and at high heat. While this may seem advantageous, the boilers are most efficient when running at a more consistent temperature. Covanta stated that it actually takes them adding other material to even out these "hot-flashes." When looked at objectively this is very easy to imagine. If you were creating a fire in a fire pit or place imagine throwing oil or a plastic bottle into the flames - you would see a burst of flames which quickly dissipated after leaving a toxic smelling fume. Now think of burning a more organic material from paper or cardboard to a log; in this scenario you would notice a much slower, more controlled burn that put out a longer-lasting and more efficient source of heat (energy).

Additionally, incineration is a poor choice altogether for dealing with plastic waste. Just based on simple emission calculations on kilowatt/hour, HPOWER produces almost triple the GHG emission of our oil burning plant and just slightly less than coal. This places incineration as one of the dirtiest forms of energy production. In places like Copenhagen, their reliance on incineration actually caused them to go well over their agreed upon Kyoto protocol limits for GHGs. With the State of Hawai'i institutionalizing the Paris Climate agreement and also agreeing to net-zero emissions, incineration should be phased out of any energy production goals. Finally, as noted in a BBC News article in 2018, plastics in a landfill are mostly inert, as they don't break down when buried in the landfill and are thus not emitting anywhere near the emissions that come with incineration. While we understand that Hawai'i is limited in its space as a unique piece to this discussion, it needs to be noted that the environmental consequences of incineration are far greater than advertised. Thus, the emphasis needs to be a continued to push towards reduction of waste.

Ultimately, we have to reduce the problem at its source. Single-use plastics are an unneeded convenience that our society must learn to move away from. The alternatives exist and we must exercise some sort of ethic over our consumer behavior. Our kuleana is to protect our public trust resources like our shorelines for all generations into the future and currently we are not fulfilling that leadership role. Sustainable Coastlines Hawai'i strongly urges the State Legislature to pass SB 367, creating a phase out plan for detrimental single-use plastics.

Mahalo for your time and consideration,

Rafael Bergstrom
Executive Director, Sustainable Coastlines Hawai'i

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LATE

SB-367-SD-1

Submitted on: 2/25/2019 10:57:28 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christian Robbins	Testifying for Kokua Hawaii Foundation	Support	No

Comments:



SIERRA CLUB OF HAWAII

MĀLAMA I KA HONUA. *Cherish the Earth.*

SENATE COMMITTEE ON JUDICIARY & WAYS AND MEANS

February 26, 2019 10:05 a.m. Room 211

In **SUPPORT** of **SB 367 SD1**: Relating to environmental protection

LATE

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Wakai, Vice Chair Keith-Agaran, and members of both committees,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **strongly supports SB 367 SD1**, which seeks to prohibit food service businesses and stores from the sale, use, or distribution of polystyrene foam containers, polystyrene food service products, plastic straws, and plastic bags, taking effect on July 1st, 2021.

The Sierra Club of Hawai'i, dedicated to exploring, enjoying, and protecting these unique and beautiful islands we call home, have engaged in decades-long efforts to protect public access to trails and beaches in addition to restoring hundreds of trails on public and private land. Part of our dedication to protect is to keep these valuable public areas free of pollution from plastics and other waste. In this case, we advocate for halting harmful plastic pollution at the source. This measure is one of many that support our collective efforts to reduce pollution across the board.

We are currently experiencing a plastic pollution epidemic here in Hawai'i. Single-use plastics pollute our lands and freshwater bodies, clog up drainage systems, harm wildlife and ultimately end up in our ocean waters--settling on our reefs and, in some places, creating massive large collections of trash, such as The Great Pacific Garbage Patch which is currently twice the size of Texas and growing. This patch is located between Hawaii and California, but close enough to Hawaii where we see and feel the significant effects of this plastic trash on even the most remote of beaches that can be found in the state. The toxins and heavy chemicals found in plastics are not compostable or biodegradable and can take 500 years or more to decompose. They create an overabundance of waste that continually overflows local landfills and overflows our beaches. This is particularly concerning for our economy being that tourists don't want to visit beaches engulfed in plastic pollution.



SIERRA CLUB OF HAWAII
MĀLAMA I KA HONUA. *Cherish the Earth.*

We have been trying to pass these bills for years now, and this is the year to do it. Companies will be able to make this transition as they have had many years to understand the movement away from plastic and polystyrene is happening and that they need to adapt as well. Change isn't always easy, but it is inevitable. The transition away from single-use plastics is very possible and happening in many places around the world, such as the pacific island nation of Vanuatu where single-use plastic bags, drinking straws and polystyrene food containers have been banned since July 2018. There are currently many eco-friendly, biodegradable, compostable alternatives to single-use plastic with more constantly being developed. The market is changing, people want to be able to contribute to a healthier environment and don't mind the added few cent fee that these new products could bring.

By reducing single-use plastics at the source, Hawai'i will have the opportunity to take on one of the most toxic and widespread of pollutants and showcase its state sustainability goals to the nation.

*We urge the Committee to pass this measure, which will serve our collective efforts to keep Hawai'i's land, freshwater bodies, and oceans free of plastic pollution as well as protect the health of our people. Thank you for this opportunity to provide testimony in **strong support of SB 367 SD1.***

Mahalo,
Lori Mallini
Volunteer, Sierra Club of Hawai'i

SB-367-SD-1

Submitted on: 2/26/2019 5:46:56 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
DEREK CONSELVA	Testifying for Hawaii Restaurant Association	Oppose	No

Comments:



Chamber of Commerce HAWAII

The Voice of Business

**Testimony to the Senate Committees on Judiciary and Ways and Means
Tuesday, February 26, 2019 at 10:05 A.M.
Conference Room 211, State Capitol**

LATE

RE: SB 367 SD1, RELATING TO ENVIRONMENTAL PROTECTION

Chairs Rhoads and Dela Cruz, Vice Chairs Wakai and Keith-Agaran, and members of the Committees:

The Chamber of Commerce Hawaii ("The Chamber") **opposes** SB 367 SD 1, which prohibits food service businesses and stores from the sale, use, or distribution of polystyrene foam containers, expanded polystyrene food service products, plastic straws, and plastic bags.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 2,000+ 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 has concerns with the amendment removing the "undue hardship" clause. The amendment would not allow businesses to demonstrate the effects that warrant an exemption from the use of polystyrene containers. This mandate will affect a wide range of businesses in our state, and this amendment takes away their ability to appeal.

We **oppose** SB 367 SD 1 because it will raise the cost for both business and consumers and will impact jobs in the local manufacturing industry of FDA approved, food-grade food service containers. Creating a mandate for the use of compostable and other plastic containers stifles the free market place, where businesses and consumers have the right to choose among the various types of safe, FDA approved food service containers.

Thank you for the opportunity to testify.



**SB 367sd1, Relating to Environmental Protection
Senate JDC/WAM Decision Making Hearing
Tuesday, February 26, 2019
10:05 am – Room 211
Position: Oppose**

Chair Rhoads and Chair Dela Cruz and Members of the Senate JDC/WAM Committees:

KYD, Inc. dba: K. Yamada Distributors opposes SB367sd1 that would ban the sale and use of polystyrene foam food containers.

We believe in stronger litter management programs that curtail land-based litter from migrating to waterways and the ocean. This means public education and consequences for proper disposal of litter and a call for civic responsibility.

We offer the following information for consideration as the Committee deliberates over SB 367sd1:

- **FDA-Approved¹ PS foam food containers are no more harmful to fish and ocean wildlife than other manmade materials, and are not likely to become marine debris**

Marine debris is any manmade material that enters the marine environment. None of it belongs in our oceans regardless of what kind of material it is made of - whether wood, metal, plastic, or paper. A recent Ocean Conservancy study listed the most common types of litter that are found along the world's coastlines, based on data gathered during three decades of international coastal clean-up efforts. Fishing gear, balloons and plastic bags were estimated to pose the greatest entanglement risk to seabirds, sea turtles and marine animals. Plastic bags and plastic utensils ranked as the greatest threats for ingestion.

NOAA (National Ocean and Atmospheric Administration) states that the 5 most common items found during the International Coastal Cleanup are cigarette butts, food wrappers, plastic beverage bottles, plastic bottle caps, and plastic straws and drink stirrers. Plastics can enter into the ocean through ineffective or improper waste management, intentional or accidental dumping and littering on shorelines or at sea, or through storm water runoff. (Trash Talk: Marine Debris and Plastics, NOAA, Sept. 17, 2015)

Locally, the composition of ocean debris appears to be similar to NOAA's list of most common items. Anecdotal testimony from a Big Island marine biologist said that 25-89% of the island's ocean debris is land-based, predominantly straws, wrappers, insulation, shipping containers, hot coffee cups, meat trays, and saimin containers. EPS foam containers were about 1% of the debris. Although large foam block packaging, ice chests and coolers are often found in coastal cleanups, they are usually excluded from ban bills.

¹ FDA Regulation Title 21 CFR 177.1640



- **Banning Food Grade PS Foam Containers Will Not Reduce Litter**

According to Steven Stein, an environmental scientist who studies litter, banning one material will not reduce the overall litter in waterways. "Food-service containers made of polystyrene are a minor component of litter and, because there is no reusable alternative, a ban simply will substitute other materials that also end up in our waterways."

<https://www.latimes.com/opinion/opinion-la/la-ol-polystyrene-food-takeout-containers-ban-20170628-story.html>

On a local level, the **Honolulu City Auditor's Single-Use Polystyrene Food Containers and Plastic Bag Study** also conclude that polystyrene bans are not effective in reducing litter, and such containers are a minor component of litter. Like Stein, the Honolulu City Auditor states that because there is no reusable alternative, a ban simply substitutes other containers that will likely be littered. Both Stein and the City Auditor cite the California State Water Resources Board in its NPDES application noted that a ban of PS foam food containers resulted in the substitution of other products that were discarded in the same manner.

Personal reusable food containers are not a takeout option due to FDA regulations that restrict food service businesses from accepting personal, reusable consumer takeout containers due to sanitary and health reasons. Food container replacement for polystyrene containers, whether it is paper, fiber or plastic, would likely be littered in the same fashion. http://www.honolulu.gov/rep/site/oca/oca_docs/PS_Ban_Study_Final_Report.pdf

- **Replacing PS foam carries significant and unnecessary costs to small locally-owned restaurants and lower-income consumers**

As a local distributor of food packaging materials, polystyrene as well as alternative products, we find that polystyrene foodservice products are generally more economical to use than other disposable foodservice products and reusable food service items. The wholesale price of single-use polystyrene foodservice products is often approximately two to three times less than other single-use containers, and four to five times less than a comparable reusable foodservice item when the costs of equipment, labor, water, electricity, and detergent costs are included. This allows schools, hospitals and other institutions to make better use of their limited budgets. For example, local Hawaii pricing shows the average compostable 8 oz cup costs more than twice the average polystyrene cup. This means the razor thin profit margins under which restaurants operate will be cut even lower. This may well translate to rising costs to the consumer, our local citizens and the small business owners working all over the island.

Anecdotally, we have heard that some Big Island food operators have made the switch to alternative containers ahead of the July 1, 2019 ban implementation date. Plate lunch prices in Hilo have gone up to \$12.00 - \$15.00 range. In Kona, plate lunches are at \$14.00 to \$18.00. In addition to the increase in plate lunches, residents complain that there's less food served.



Supply Chain Disruption and Impact on Business and Residents:

Different customers are not necessarily looking for the same replacement container. They are looking for containers that are price sensitive and a good fit for their product.

The ban on foam food containers and increasing consumer demand for take-out foods increases the burden for packaging products, no matter the material

- There is no history of movement of alternative containers. There is uncertainty about how much to stock and when it will be needed.
- It takes a minimum of 4-5 weeks before supplies are shipped to Hawaii
- Warehousing of inventory is a costly expense and capacity is limited throughout the islands.
- Maui distributors are facing this problem and want to push the carrying of inventory to Oahu distributors
- Shortages of alternative food service containers will occur

It is prudent for policy makers to pause and assess the true impact of bans imposed on Maui and the pending Big Island Ban before implementing a statewide policy.

The following is the City Auditor’s data about estimated costs to business owners which will more than likely increase cost to consumers.

Exhibit 3.4 Monthly and Annual Cost Estimates for Non-Polystyrene Food Containers by Types of Restaurants

Source: OmniTrak and Office of City Auditor

Type	Monthly Cost Increase Estimate	Annual Cost Increase Estimate (Monthly x 12)
Total:	\$ 294.64	\$3,535.68
Small Restaurant (1-10 employees)	\$ 293.75	\$3,525.00
Medium Restaurant (11-50 employees)	\$222.72	\$2,672.64
Large Restaurant (50 or more employees)	\$420.00	\$5,040.00

Rather than a statewide ban of EPS foam containers, we encourage discussion with the respective Counties, about solutions for managing land- based litter to prevent marine debris since the Counties are responsible for municipal solid waste management.

Thank you for the opportunity to present testimony.

SB-367-SD-1

Submitted on: 2/22/2019 7:01:39 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Katharine T. Cannon-Eger	Individual	Support	No

Comments:

SB-367-SD-1

Submitted on: 2/24/2019 3:38:27 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Colby Takeda	Individual	Support	No

Comments:

SB-367-SD-1

Submitted on: 2/24/2019 5:14:14 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lily Washburn	Individual	Support	No

Comments:

Aloha Chair Rhoads, Vice Chair Wakai, Chair Dela Cruz, Vice Chair Keith Aragan, and committee members,

My name is Lily Washburn, and I'm a student at SEEQS: The School for Examining Essential Questions of Sustainability, a charter school in Kaimuki. I'm writing to say that **I strongly support SB367.**

I am in support of this bill because plastic pollution is having detrimental impacts on our environment, and will continue to do so if we don't do something about it. I am personally afraid for the health of our beautiful islands, because of how much plastic is causing harm to wildlife, and building up in our natural ecosystems.

We need to realize that we can't be so dependent on single use plastics, and must begin to eliminate them from our lives. I believe that this bill could be a huge step towards a more environmentally safe future.

Thank you again for your consideration of this serious issue.

SB-367-SD-1

Submitted on: 2/24/2019 6:22:39 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mia Melamed	Individual	Support	No

Comments:

SB-367-SD-1

Submitted on: 2/24/2019 7:48:40 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ray Aivazian III	Individual	Support	No

Comments:

SB-367-SD-1

Submitted on: 2/24/2019 8:21:06 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lorraine Garnier	Individual	Support	No

Comments:

SUPPORTING SB367 SD1

SB-367-SD-1

Submitted on: 2/25/2019 8:19:28 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Silver	Individual	Support	No

Comments:

SB-367-SD-1

Submitted on: 2/24/2019 10:35:33 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kirstin Kahaloa	Individual	Support	No

Comments:

SB-367-SD-1

Submitted on: 2/25/2019 9:27:20 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mio Chee	Individual	Support	No

Comments:

SB-367-SD-1

Submitted on: 2/25/2019 9:27:56 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
David Chee	Individual	Support	No

Comments:

SB-367-SD-1

Submitted on: 2/25/2019 9:52:31 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kim Coco Iwamoto	Individual	Support	No

Comments:

Testimony in SUPPORT of SB367 SD1 with AMENDMENTS

Aloha Chairs Rhoads and Dela Cruz and Members of the Committees,

Thank you for putting the welfare of our planet above the inconvenience to businesses, big and small. As someone who grew up working for a large family company and who runs my own business today, I have learned that businesses need to constantly keep up with changes in the market place. And as consumers, we have all had to make changes to keep up with technology, culture - and now climate.

At the rate the Great Pacific Garbage Patch is growing, with the tonage of plastics and polystyrene imported into Hawaii and discarded somewhere in our environment - we should not limit the use/proliferation of these materials only by stores and food businesses.

Think about how many plastic bags are used every day by home-delivered newspapers; a better alternative would be a newspaper box similar to a mailbox that keeps our daily mail dry. Or consider all those dry-cleaning bags that are unnecessary because there are reusable garment bags that can keep our clothes clean as we transport them home.

Please AMEND this bill to include broader definitions of businesses, stores, "carry out" to include all the excessive users of single-use plastics. We should not overlook the various importers/proliferators of plastic and polystyrene if we are truly trying to address the negative impact this material has on our natural environment.

Sincerely,

Kim Coco Iwamoto

SB-367-SD-1

Submitted on: 2/25/2019 9:57:26 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
june chee	Individual	Support	No

Comments:

SB-367-SD-1

Submitted on: 2/25/2019 9:43:15 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Milholen	Individual	Support	No

Comments:

Aloha, committee members and mahalo for taking the time to consider SB367 SD1. My name is Jennifer Milholen, and I work for KĀ• kua Hawai'i Foundation as the Waste Reduction Coordinator. Our programs work with schools and communities across the state who envision a plastic-pollution free Hawai'i. We achieve this through presentations, beach and watershed cleanups, community and business partnerships, and modeling waste free events, all engaging 10s of thousands of Hawa'i residents and visitors. The feedback from these programs is overwhelmingly unified: Get Single-Use Plastics Out! This bill address the "low hanging fruit" of senseless plastic pollution that can be quickly and effectively transitioned out with massive impact. Other municipalities, like Berkeley, CA are already moving on measures like these with massive public support. The path is defined, we only need the courage of lawmakers to push us forward.

The legislature is tasked with considering thousands of bills every session, each taking up matters that impact the health, safety and happiness of Hawai'i residents and visitors. Every single one matters, but I would argue that these bills that address plastic pollution and embracing a zero waste framework for production, consumption, and disposal are THE most important. What is often lost in plastics conversations, is that PLASTIC PRODUCTION = CLIMATE CHANGE.

"99% OF PLASTIC COMES FROM FOSSIL FUELS.

When we think about climate change, we typically focus on factories, coal and cars, but rarely on this fact. As plastic activists, we usually talk about downstream environmental impacts or health threats, but only marginally on the connection between the plastics economy and carbon pollution.

PLASTIC IS CONNECTED TO CLIMATE CHANGE AND IT POLLUTES AT EVERY STAGE: FROM MATERIALS EXTRACTION TO PRODUCT PRODUCTION TO WASTE DISPOSAL."

Climate change is the most dangerous issue of our time, and urgent, broad sweeping action is essential. IF we want to truly act as the global environmental leaders that we claim to be, we HAVE to acknowledge that the flood of plastics in our lives are

directly contributing to climate change and take local, but impactful, changes to transition away from these single-use convenience plastics.

Specifically speaking to the EPS foam components of this bill, please consider the following:

The environmental and health detriments of foam for food vending are established and well-documented. We have known for years that, by design, EPS foam is ultra lightweight and escapes collection and management systems. Once in the environment, the foam fractures into billions of pieces of microplastics, which are consumed directly into the food chain - into us. Countless thousands of marine animals and birds starve to death because of ingesting plastics like foam. This is in addition to the leaching of known carcinogens from foam when used with hot and acidic foods.

1) Public Demand: The Honolulu Auditor office's 2018 report on prohibiting foam food containers determined that foam "bans" have overwhelming public support.

From the Report: "Restaurants want to do what is best for the environment. 95% of respondents said that they believe waste and litter is an environmental problem for our streams and ocean, and 98% of respondents stated that they would be willing to do more if they knew it would be green and protect the ocean. A majority (56%) of respondents stated that they would support (i.e., rating of 6-10 on a 10-point scale) a bill that banned the use of single-use polystyrene food containers.

In the 2018 Legislative Session, a foam ban bill (SB2498) was the most supported bill of the session, and recent memory, receiving well over 600 testimonies in support for a single hearing. Students were excused from classes, people took time off work, and business owners left their restaurants all to come show support for measures like these. It was impossible to even get into the hearing room it was so full, so many of us congregated outside waiting for our chance to show support.

2) Economic Imperative: In 2017, the HI DOT Highways division produced a report on roadway flooding that indicated foam containers and plastic bags were the TOP items found to be clogging up storm drains, leading to flooding. The report also indicated that the prohibition of these items would save the division and the counties multiple millions of dollars in cleanup costs.

3) Established Precedent and Modeling: Maui and Hawai'i Island counties have already vetted these arguments and determined the value of prohibiting foam in food service. Maui's foam prohibition has already begun, and their environmental office will testify to the fact that it is well-supported and the transition has been smooth.

Mahalo for your time and consideration. Please support SB367.

Jennifer Milholen

SB-367-SD-1

Submitted on: 2/25/2019 10:02:17 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaliko Amona	Individual	Support	No

Comments:

LATE

SB-367-SD-1

Submitted on: 2/25/2019 10:18:29 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Marissa Miller	Individual	Support	No

Comments:

Aloha, I am writing in support of SB367 SD1 because I have grown up in Hawai'i, surfing and spending time outdoors. I am only 19 years old and I have already seen major changes in the environment in which I play and live. These changes include a widespread increase in plastic pollution across our beaches. This directly impacts my life and the lives of others around me, including both humans and wild animals. I urge you to pass this bill to phase out polystyrene foam, plastic straws, and plastic bags from food service establishments in order to protect our environment and also to boost our local economy. I'm sure you have heard all the environmental reasons why we must move away from single use plastics and styrofoam (it's toxic, non-biodegradable, pollutes our oceans, kills wildlife, enters our food chain, accumulates toxins, is impossible to clean up, and more), but I would also like to argue that moving away from single use plastics can also boost our local economy. In this age, we must transition to greener alternatives or we will be left behind and seen as backwards. There are global movements to transition away from single use plastics and if we take part in leading these efforts, it will not only benefit us socially and environmentally, it will also be a great marketing point for our local businesses and for our islands in general, helping to boost our economy. The right alternatives can also be cheaper than purchasing so much single-use items and having to deal with disposing them afterward as well. We already have an issue with dealing with all our trash and recycling, so if we had less waste in the first place it would be easier on us. I urge you to think about the long-term implications and to pass this bill for the environmental, economic, and social benefits. Mahalo for your time and consideration.

LATE

Testimony of
ELENA ZUCCHINI
Hawai'i resident

Before the Senate Committees on

JUDICIARY

AND

WAYS & MEANS

Tuesday, February 26, 2019

10:05 AM

State Capitol, Conference Room 211

In consideration of

SENATE BILL 367, SD1

RELATING TO ENVIRONMENTAL PROTECTION

Aloha Chairs Karl Rhoads and Donovan M. Dela Cruz, Vice Chairs Glenn Wakai and Gilbert S.C. Keith-Agaran and Members of the Senate Committees on Judiciary and Ways & Means.

My name is Elena Zucchini and I am an international student at the Hawaii Pacific University. I am here today in order to give my support to the bill SB 367, SD1, which seeks to prohibit food service businesses and stores from the sale, use, or distribution of polystyrene foam containers, expanded polystyrene food service products, plastic straws, and plastic bags.

I decided to come to Hawaii in order to graduate in Environmental Studies. I thought it would be the best location to study about sustainability and the environment. However, when I first came to Hawaii, I saw several things that showed me that there is still a lot of progress to do in order to achieve a sustainable way of living. Styrofoam and plastic pollution are one of the reasons why I think that. Indeed, I do not understand how foam, plastic straws and plastic bags can still exist knowing that they have environmental and human health impacts as well as cleanup costs. This weekend, I had the opportunity to go help the Surfrider foundation during a beach cleanup and it stroke me to see how much plastic and foam were present along the beach. According to me, the reason is that people are not enough educated about the environment and its impacts. And because of that, predictions show that by 2050 there will be more plastic by weight in the ocean than fish. However, there are alternatives to foam and plastic utensils. For instance, in France and other European countries we do not use foam and plastic but bio-composite materials as cardboard. These recycled materials do not have any environmental impact and can even provide savings over Styrofoam materials in the long-run.

Hence, Styrofoam and plastic are affecting our environment, and it is our responsibility to change this trend. I do think that each step that we will make in order to ban these products will result in a positive impact on the environment and a chance to resolve our mistakes.

Thank you for the opportunity to testify in support of SB 367, SD1.

LATE

SB-367-SD-1

Submitted on: 2/25/2019 10:37:42 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Anny Barlow	Individual	Support	No

Comments:

-Its bad for my health to eat items prepared or stored in this material as it leachs chemicals from the material into my food/drink.

-Its bad for my health to breath in the toxins released into our air when H-Power burns this material.

-Its bad for the marine animals in thier environment. Where as all trash is bad, this material causes severe health problems to marine animals when compared to compostable material.

-This material does not break down in our environment overtime the way compostable material does.

-This material stays longer as visually "ugly" on our beaches and on our ocean, again, because it doesn't break down like compostable material does.

-This material cannot be burned for reusable energy at H-Power the way compostable material can be.

SB-367-SD-1

Submitted on: 2/25/2019 11:09:47 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Suzanne Frazer	Individual	Support	No

Comments:

Aloha Chair Rhoads, Chair Dela Cruz and Committee Members,

I am writing in **strong support** of SB367 SD1. Please pass this important and necessary bill. It is long overdue that disposable plastic items such as plastic bags, straws and polystyrene foam containers are no longer provided by food service businesses and plastic bags are not provided by any business in the state. This bill is a major step forward by the state to deal with the problem of plastic. Plastic bags, straws and polystyrene foam are among the most littered items found at beaches and on roadways. But they are not always littered on purpose. Bags and polystyrene foam containers can easily blow out of the back of a pick-up truck, a car window or even out of the garbage truck that is collecting the rubbish. I have seen this happen on the freeway from all three types of vehicles. It is the material itself - lightweight plastic - that is the problem. And it is not only a problem because it is easily windblown. It is also a major problem because when it gets into the ocean, as Hawai'i is surrounded by water, then marine life eat it. They become sick and die, sometimes an agonizing death taking up to 60 days in the case of a sea turtle ingesting a plastic bag. Polystyrene foam breaks into smaller and smaller pieces faster in sea water than on land. These small pieces are then ingested by the base of the food chain - plankton and small fish. The chemicals contained in the plastic are then passed up the food chain to larger animals including humans.

The harm that plastic is doing to human health can be seen by all the many people who are getting cancer these days and the rise in autoimmune diseases, obesity and diabetes. All these diseases can be triggered by the chemicals in plastics. It is therefore imperative that Hawai'i's state legislature take strong action to ban the use of disposable plastic items - polystyrene foam, plastic bags and plastic straws.

If there were to be any amendment to this bill, I would suggest to include bait containers in the ban and to also ban the sale of plastic bags, polystyrene foam containers and plastic straws by any business (not just food businesses).

Thank you for this opportunity to provide written testimony in strong support of SB367 SD1. I hope this bill passes this year.

Mahalo,

Suzanne Frazer.

SB-367-SD-1

Submitted on: 2/25/2019 11:14:21 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Leyshon	Individual	Support	No

Comments:

LATE

SB-367-SD-1

Submitted on: 2/25/2019 11:11:42 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kela Megorden	Individual	Support	No

Comments:

This bill phases out plastic straws and bags from food establishments in Hawaii. This could greatly reduce plastic pollution long term.

SB-367-SD-1

Submitted on: 2/25/2019 11:47:53 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
kai chase	Individual	Support	No

Comments:

I support SB367!

LATE

SB-367-SD-1

Submitted on: 2/25/2019 11:59:55 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members:

Please support SB367, which would prohibit the sale of polystyrene foam containers and the serving of food in said containers.

Because polystyrene food containers leach suspected carcinogens and neurotoxins such as styrene and benzene when coming into contact with warm food or drinks, as well as those foods and beverages containing alcohol, oils and acidic foods, polystyrene is toxic to humans, animal life and the environment. Studies show these toxins are slowly accumulating in the fatty tissues of humans and other animals.

Polystyrene is incredibly difficult to dispose of. It is bulky and recycling markets for polystyrene are small and shrinking. Studies estimate polystyrene takes up between 25-30% of landfill volume, which only adds to Hawaii's landfill woes.

Even when disposed of properly, polystyrene is often blown from disposal sites and into gutters and drains that lead to the ocean because of its lightweight and buoyant nature. Last year a whale died in Thailand after swallowing 17 pounds of plastic, and a dead sperm whale washed ashore in Spain with 64 pounds of plastic in its stomach. Birds, fish and sea turtles also commonly mistake polystyrene for food. Polystyrene is not biodegradable and only degrades into smaller and smaller pieces, thereby contaminating the lowest levels of the food web.

Additionally, since polystyrene is made with petroleum, the manufacture of it is a great contributor to the heat-trapping gases responsible for the greenhouse effect we are now seeing.

For these reasons, cities in the US and around the world are banning polystyrene. With all the economical and biodegradable paper or plant product alternatives, such as containers made from recycled compostable plant and wood fibers, there is no reason to continue the use of such an ecologically pernicious product.

Thank you for your time and the opportunity to present my testimony.

Sincerely,

Andrea Quinn

Kihei

LATE

SB-367-SD-1

Submitted on: 2/25/2019 12:55:48 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Yui Hartman	Individual	Support	No

Comments:

LATE

SB-367-SD-1

Submitted on: 2/25/2019 12:57:12 PM
Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrew Levora	Individual	Support	No

Comments:

Polystyrene foam is very scary in the fact that it takes millions of years to break down. Due to it's low price, it has become too large of a commodity, increasing the risk for it to end up in our oceans or blown off the back of a truck. It is extremely harmful to our wildlife which often mistake it as food. Please support this bill to eliminate the continued risk this material poses to our environment. The argument that polystyrene is needed for H-Power because it burns hotter than other single use material is not enough of a sufficient argument to risk the danger it poses to wildlife. Please vote to support this bill!

SB-367-SD-1

Submitted on: 2/25/2019 1:02:33 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Dyson Chee	Individual	Support	No

Comments:

As a 16 year old high schooler, I strongly support SB367. I regularly go to the beach, and the amount of land based trash is unbelievable. Single-use plastic straws, food containers, and bags are everywhere. They are an eyesore and dangerous to both the environment and human health. This bill is an important step towards making Hawaii a sustainable state, and will help to level the playing field for businesses. Many local businesses are making the change to become more sustainable, but other, larger corporations are not doing so, and therefore is limiting local businesses in their ability to become sustainable. Also, this bill will help to preserve our beautiful Hawaii for current and future generations, and as a youth who will inherit this Earth I beg you to pass SB367. Mahalo.

LATE

SB-367-SD-1

Submitted on: 2/25/2019 1:07:05 PM
Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nicole Valhuerdi	Individual	Support	No

Comments:

Plastic and foam is terrible for the environment and for our animals. If we want to keep Hawaii thriving and beautiful then we need to begin phasing out these one use plastic and foam utensils and come up with longer lasting and more sustainable options.

LATE

SB-367-SD-1

Submitted on: 2/25/2019 1:44:02 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kiriana Lawrence	Individual	Support	No

Comments:

LATE

SB-367-SD-1

Submitted on: 2/25/2019 1:45:53 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ku'u lei Neher	Individual	Support	No

Comments:

LATE

SB-367-SD-1

Submitted on: 2/25/2019 1:46:20 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jesse Owens, Ph. D.	Individual	Support	No

Comments:

This bill supports phasing out food service waste that people of Hawai'i do not want! It is very easy to use re-usable straws and containers, we need to make a law that stops businesses from practices that end up polluting our oceans for no good reason! I support this bill!

SB-367-SD-1

Submitted on: 2/25/2019 2:02:25 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Laura Macklin	Individual	Support	No

Comments:

I support this bill because styrofoam and plastic pollute our planet and cause severe environmental damage and kills our wildlife. It should have never existed in the first place. Let's make the right change.

LATE

SB-367-SD-1

Submitted on: 2/25/2019 2:10:07 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
kristin dong	Individual	Support	No

Comments:

While we cannot undo past and present damage we have done to our beautiful home, we can take steps toward a much less wasteful future. This is the first step!

LATE

SB-367-SD-1

Submitted on: 2/25/2019 2:26:47 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ava Fedorov	Individual	Support	No

Comments:

We, especially in Hawaii, need to do all we can to protect and preserve our precious ecosystems, shorelines, and land. It is crucial for the health of our people!

LATE

SB-367-SD-1

Submitted on: 2/25/2019 2:55:21 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Hailey Kuo	Individual	Support	No

Comments:

LATE

SB-367-SD-1

Submitted on: 2/25/2019 3:03:26 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
jaimie chhu	Individual	Support	No

Comments:

LATE

SB-367-SD-1

Submitted on: 2/25/2019 3:44:14 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurel Perun	Individual	Support	No

Comments:

LATE

SB-367-SD-1

Submitted on: 2/25/2019 4:16:42 PM
Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Zack Stoddard	Individual	Support	No

Comments:

This environmentally friendly measure is important to show legislators care about the environment and human health, and empowers Hawaii to lead on sustainability.

LATE

SB-367-SD-1

Submitted on: 2/25/2019 4:35:31 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christina Comfort	Individual	Support	No

Comments:

Aloha,

I strongly support this bill to eliminate single use plastic products such as straws, bags, and polystyrene containers from food service establishments in Hawaii. We need preserve our environment for future generations by using reusable goods whenever possible, and if single use products are necessary, they should at least be biodegradable so that our waste does not persist in the environment for centuries. The community in Hawaii is already shifting towards reusable bags, cardboard to-go containers, and other better alternatives to single use plastics. Many restaurants and food establishments have already made the switch. In fact, if a restaurant still serves food in polystyrene, I actually avoid going there altogether, as do many of the people I know. We must move past single use plastics in order to preserve our environment reduce harm to our beaches, oceans, and wildlife.

Christina Comfort

Resident of Haleiwa (Pupukea)

LATE

SB-367-SD-1

Submitted on: 2/25/2019 5:03:17 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Marvin Heskett	Individual	Support	No

Comments:

My name is Marvin Heskett and I am a resident of Palolo. I am writing in full support of HB850 to prohibit the use of polystyrene foam containers by food vendors. Polystyrene foam is one of the most littered and least recycled forms of plastic.

As a life time advocate and participant in beach cleanups, it pains me to consider how many Styrofoam clamshells and plates, discarded by residents and tourists, intentional or by accident, that I've picked up off of our leeward coasts. We have become painfully aware of the marine debris issue the coastal globe is currently facing. What pains me worse than the knowledge of how many hundreds of items I've personally removed, is all of those that I, and other concerned members of our community, missed. Hawaii shamefully currently contributes significantly to the growing garbage patch of the north Pacific Gyre. One of our greatest exports to the gyre is the lightweight, flyaway Styrofoam single use containers. We're sacrificing the Ocean environment that we love so much for a few moments of added convenience. Hawaii State Department of Transportation (DOT) just produced a trash plan that shows Styrofoam and plastic bags as the top two contributors to the waste stream. The plan says that banning these wasteful single-use products could save the state millions of dollars.

Not only are we shamefully sending off unsightly rubbish, to our pristine life support system, but we are poisoning her inhabitants as we do. On a recent work trip to the northwest Hawaiian Islands, I bore personal witness to the remains of once grand albatross, withered with body cavities full of single use plastics, especially light small pieces of Styrofoam. The mangled corpses were not insignificant in numbers. They lay by the hundreds, dead or dying along the ground on these atolls, ironically suffering from starvation as their stomachs were filled with this mildly convenient artifice we use to feed ourselves from quickly and conveniently. Any person both privileged and cursed, to view this sight understands quickly why a global ban on these products is needed immediately. Hawaii, of all places, can understand and feel the pain this pollution is creating right here at home and needs to help lead the cause to eliminate them.

For producers of these plastics to blame the end users for the fate of the pollutants is no different than the same excuses the same petrochemical companies made for Agent Orange or PCBs. The people of this nation demanded change. We demanded a ban

on these chemicals for the knowledge of their inevitable fate was too much for any of us to bear. As we necessarily, demanded through federal law, to do away with these pollutants that were wreaking havoc on our health and the environment, we must too, ban the use of these acutely toxic killers of marine life.

I graciously ask you to consider the larger picture, to avoid being influenced by the very few who stand to gain by continuing to produce and sell these petrochemical products at the cost of our Ocean's health and support this bill. Future generations will surely thank you for having the courage to do so.

Mahalo nui loa,

Marvin Heskett

SB-367-SD-1

Submitted on: 2/25/2019 5:10:05 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Sage Minato	Individual	Support	No

Comments:

SB-367-SD-1

Submitted on: 2/25/2019 5:19:33 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Ben Tamamoto	Individual	Oppose	No

Comments:

As I said in my opposition to SB11, please do not raise the cost of living to Hawaii residents any further.

SB-367-SD-1

Submitted on: 2/25/2019 6:15:02 PM

Testimony for JDC on 2/26/2019 10:05:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Alexandre Vaquer	Individual	Support	No

Comments:

I totally support this essential bill in combination with SB11.

Styrofoam and plastics are a catastrophe for the environment. We need to phase out from them and environmental changes won't happen without legislation. We the people demand it.

It is urgent to act now to protect our environment and future generations, and this one of the step we need to take to look at ourselves in the mirror with serenity.

The industry in turn will adapt, there is no need for these single use plastics to be used when it is scientifically proven they have a negative impact on the environment. No healthy environment>no thriving economy> no life.

SB-367-SD-1

Submitted on: 2/25/2019 7:39:30 PM

Testimony for JDC on 2/26/2019 10:05:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Matthias Keller	Individual	Support	No

Comments:

Aloha,

My name is Matthias and I am in support of this bill. Phasing out single use plastics will save our beaches, marine life, and environment on a large scale. Despite having a sever flu currently, i feel the need to submit this testimony pleaing with the leaders of our state to save our beach from drowning in a micoplastic soup. Passing this bill would be the same as me getting my flu shot. It would've prevented something bad from happening down the road.

LATE

SB-367-SD-1

Submitted on: 2/25/2019 7:47:49 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Megan Adolph	Individual	Support	No

Comments:

SB 367
Relating to Environmental Protection
In Strong Support

LATE

Hearing Date: Tuesday, February 26, 2019 , 10:05am
Room: Conference Room 211
Committees: Committee on Judiciary (JDC), Committee on Ways and Means (WAM)

Dear Chair Rhoads, Vice Chair Wakai, and members of the JDC committee,
Dear Chair Dela Cruz, Vice Chair Keith-Agaran and members of the WAM committee,

my name is Natalie Wohner, I am from Germany and I am a graduate student at the University of Hawai'i at Manoa getting my Ph.D. in Materials Science and Engineering.

I strongly support SB 367, prohibiting the distribution of polystyrene foam containers, expanded polystyrene food service products, plastic straws, and plastic bags. All those items are single-use plastics made from fossil fuels, used once and persist in our environment more than our lifetime. In Hawai'i our trash gets burned or goes to the landfill, and the few plastics that are recyclable get shipped away. We don't have a system in place that directly deals with it, such as source reduction. Cleaning up our beaches is not the solution!

Impact of Polystyrene on Human Health - Aside from single-use plastic bags and plastic straws, expanded polystyrene foam (EPS) is the most unsustainable and unhealthy material I can think of. It does not compost in our landfills and when burnt at H-Power it emits chemicals, such as benzaldehyde, acetophenone, styrene oxide, which are classified as hazardous substances or carcinogens by US EPA. EPS food containers also leach chemicals (styrene) into the food. The amount of styrene that migrates into foods and liquids strongly depends on fat content and temperature, being highest for hot and fatty foods.¹ The monomer styrene (or vinyl benzene), that leaches into the food when in contact with PS food containers, is listed as a hazardous chemical and categorized as a carcinogen.² Evidence of cancer from studies in humans shows lymphohematopoietic cancer and genetic damage in the white blood cells, of workers exposed to styrene.³

¹ M. S. Tawfik & A. Huyghebaert (1998) Polystyrene cups and containers: Styrene migration, Food Additives & Contaminants.

² [New Jersey Department of Health and Senior Services, Hazardous Substance Fact Sheet, 2011](#)

³ The Report on Carcinogens, Twelfth Edition, prepared by National Toxicology Program (2011)

Ocean Friendly Restaurants in Hawai'i - Polystyrene is leaching toxic chemicals into our food, we are not able to recycle it, it is littering our environment and yet, polystyrene is still being used as a material for food containers simply due to its low cost. The main argument that this bill has not passed in the past decade was usually that it would be a financial burden for the business owners that provide take-out containers. The Surfrider Foundation Oahu, a non-profit organization, has a program that highlights restaurants in Hawai'i that have sustainable business practices and do not use PS containers, and other single-use plastics. This program, the Ocean Friendly Restaurants program, shows that local restaurants can exist without the use of polystyrene or single-use plastics. There are currently 201 thriving Ocean Friendly Restaurants (OFR) in Hawai'i⁴ and at least another 100 restaurants that are not part of the OFR program but do not use polystyrene containers.

Active Bans on Single-Use plastics - The University of Hawai'i at Manoa, Maui and the Big Island have already passed a ban on polystyrene containers, as well as many other cities, countries, such as New York City, Seattle, Takoma Park, Miami Beach, Portland (Maine), Nantucket County, Minneapolis, Portland (Oregon), Los Angeles, San Francisco, even Zimbabwe in Africa! The European Union has banned all single-use plastics, together New Delhi, Taiwan, Bali, UK, and plastic bag bans in Washington, Australia, Rwanda, Morocco, just to name a few.

These and many more countries and cities are recognizing that it is more important to work on source reduction rather than continuing to create more waste, and I hope Hawai'i will do the same! Instead of fighting for each material separately, it is more efficient to tackle all single-use plastics together at once and step up as a leader in sustainability.

Thank you very much for giving me the opportunity to testify and mahalo for your time.

Aloha nui loa,
Natalie Wohner

Contact: natalie.wohner@gmail.com

⁴ <https://www.oceanfriendlyrestaurantshawaii.org/>

LATE

SB-367-SD-1

Submitted on: 2/25/2019 8:08:28 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mariana Chinellato	Individual	Support	No

Comments:

Aloha,

As a Hawaii resident, I strongly support SB522 so that we can strengthen our path towards zero waste on the islands. The plastic epidemic is getting out of control and the time to stop and reverse it is now, before it's too late. I don't want plastic floating on our oceans, killing our coral reefs, fish, turtles. We are paying the consequences of all the plastic that was ever produced, but we can change that if we work together towards zero waste.

Just yesterday, I was swimming in gorgeous Lanikai (undoubtedly one of the most beautiful beaches on Oahu), water was clear until the tide started coming in and I found myself surrounded by pieces of plastic - some were from commercial fishing broken-down plastic tools, nets, etc, but a lot of it was single-use plastic: containers, bottles, plastic lids, plastic utensils. In five minutes, I picked up at least 30 pieces, some of which had been clearly floating in the ocean for a long while and even had bite marks from turtles or fish. Heartbreaking. We have to stop this now. I want my future children to enjoy a pristine ocean, not one covered in floating plastic.

Mahalo,

Mariana Chinellato, Kailua 96734

LATE

SB-367-SD-1

Submitted on: 2/25/2019 8:22:40 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
alexandra gorbacheva	Individual	Support	No

Comments:

It is our responsibility to reduce our trash and plastic use.

LATE

SB-367-SD-1

Submitted on: 2/25/2019 8:26:23 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
K Elizabeth Matthews	Individual	Support	No

Comments:

Aloha, I walked the beach this weekend and filled two large platstic bags to the rim with trash within an hour. There is so much litter on our beautiful beaches. There was a lot of polystyrene. We can find an alternative. Please support reduction of foam on such a small and vulnerable land mass. Mahalo.

LATE

SB-367-SD-1

Submitted on: 2/25/2019 8:35:35 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Monika Haar	Individual	Support	No

Comments:

SB-367-SD-1

Submitted on: 2/25/2019 9:58:26 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin	Individual	Support	No

Comments:

LATE

SB-367-SD-1

Submitted on: 2/25/2019 10:23:38 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Minihan	Individual	Support	No

Comments:

We would be an innovative state to phase out polystyrene foam, plastic straws, and plastic bags that will inspire others to follow. We need to recognize our effect on surrounding ecosystems and this will make a change for the better.

LATE

SB-367-SD-1

Submitted on: 2/25/2019 10:40:56 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tabatha Aiko Knudson	Individual	Support	No

Comments:

LATE

SB-367-SD-1

Submitted on: 2/25/2019 11:18:11 PM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dwamoto	Individual	Support	No

Comments:

SB367

In Strong Support

Hawaii, and all other 49 states do not need plastic and foam, or single use packaging for food or other items. As a Hawaii resident, PhD marine ecologist, and citizen that regularly enjoys our coastlines, it is clear that Hawaii-derived rubbish is ending up in our marine environment. It is also apparent to me that the chemical companies and their lobbyists make up the majority of the opposition to this and similar legislation. Please vote with the will of the residents of this beautiful state to keep our beaches and environments clear of trash. Mahalo nui –Daniel Amato

LATE

SB-367-SD-1

Submitted on: 2/26/2019 12:58:09 AM
Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Harvy King	Individual	Support	No

Comments:

LATE

SB-367-SD-1

Submitted on: 2/26/2019 5:02:31 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jun Shin	Individual	Support	No

Comments:

LATE

SB-367-SD-1

Submitted on: 2/26/2019 6:41:00 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sidney Higa	Individual	Oppose	No

Comments:

I Sidney Higa a Member of "The Hawaii Restaurant Association representing over 3,500 restaurants here oppose the following:

- SB 11 that prohibits the use of polystyrene foam food service containers state wide,
- SB 367 SD1 that prohibits food service businesses and stores from the sale, use, and or distribution of polystyrene foam containers, expanded polystyrene food service products, plastic straws, and plastic bags
- SB 522 SD1 that prohibits Plastic food packaging, Plastic bags, single use beverage containers, and creates a Plastic Source Reduction Working Group.

»A recent study done by the Honolulu City Auditor reports out that less than one percent of our total trash stream is currently made up of foam food containers. Foam is much cheaper than alternate products and for ethnic foods with heat and moisture, also performs better in holding the product, retaining heat, and for safe transport. Hawaii does not have any composting facilities and a majority of our trash ends up at H Power. We are looking at substituting a very functional product with a much more expensive substitute. The final result will have the consumer paying more.

Many major chains like McDonald's and Starbucks have made announcements in 2018 on their commitments that by 2025 all of the guest packaging in their restaurants will be fiber based and will come from renewable, recycled or certified sources with a preference for Forest Stewardship Council (FRC) certification. The food industry and their supply chains are working towards a solution, but the 2023 deadline is not reasonable and achievable.

We do support the bills and initiatives that straws should be given out only upon request at full service restaurants, similar to the California State law that was passed in 2018. How beverages are consumed varies greatly from the sit down restaurants to the quick service restaurants with a drive-thru, where many food and beverages are consumed on the go. Alternate straws made from paper, bamboo, metal are all being tested around the world with limited success due to its performance, durability, after taste, and costs. Supply chain is seeking and working towards an alternate product but will not be ready with a good alternate product by July 1, 2021

NextGen Consortium. This is a partnership initially set up by Starbucks and McDonald's to fund research. Coca Cola and Yum! Brands have now joined in the effort to create food service containers that will be both environmentally green and meet performance needs of the food and beverage industry. Each of the parties contributed millions towards a workable solution.

We do agree with the creation of a Plastic Source Reduction Group and look forward to participating. However, an alternate industry is in its infancy. Hawaii Restaurant Association urges Senators to be patient with these aggressive deadlines for implementation."

LATE

SB-367-SD-1

Submitted on: 2/26/2019 8:19:54 AM

Testimony for JDC on 2/26/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Fawn Liebengood	Individual	Support	No

Comments: