

STAND. COM. REP. NO.

986

Honolulu, Hawaii

MAR 0 1 2019

RE: S.B. No. 11

S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,  
to which was referred S.B. No. 11 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to prohibit the sale of polystyrene foam containers and the use of polystyrene foam containers for serving prepared foods beginning July 1, 2020, and to authorize the Department of Health to adopt rules to implement the prohibition.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; one council member of the Maui County Council; one council member of the Hawai'i County Council; Sierra Club of Hawai'i; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Hawai'i Reef and Ocean Coalition; Americans for Democratic Action Hawai'i; Hawai'i SEED; Sustainable Coastlines Hawaii; Friends of Hanauma Bay; No Single Use - Hawaii; Beach Environmental Awareness Campaign Hawai'i; Zero Waste O'ahu; We Are One, Inc.; Surfrider Foundation; Wipeout Crew of Henry J. Kaiser High School; Kona Brewing Company; Big Island Divers; Kahili Adventist School; and one hundred nineteen individuals. Your Committee received testimony in opposition to this measure from the Hawaii Food Industry Association; Chamber of Commerce Hawai'i; American Chemistry Council; Retail Merchants of Hawaii; Hawaii Restaurant



Association; Pancakes & Waffles B.L.D. Hawaii; Tatsuos; HNA Food Services LLC; Queen Street Cafe & Grill; Jets Fast Food; Nabeya Maido; Hibachi Kailua; Pho Tri Restaurant; Loco Moco Drive Inn-Ewa Beach; Cooke Street Diner; Papa's Café; Shiro's Saimin Haven; Stadium Pho; and four individuals. Your Committee received comments on this measure from the Department of Health and Department of Land and Natural Resources.

Your Committee finds that polystyrene foam containers may present a health hazard if styrene, a known carcinogen, leaches into food held in the containers or enters the food chain when consumed by wildlife. Many of the polystyrene containers in the waste stream are used one time and then discarded. As a result, polystyrene foam containers constitute a significant amount of plastic litter found in the environment as they linger indefinitely in land and marine environments, causing deleterious effects to wildlife and habitats.

Your Committee finds that while reducing the use of polystyrene containers is a small but important step toward reducing plastic pollution in the State's natural environment, it is important for state and county agencies to take proactive steps to encourage appropriate disposal of all types of litter and waste.

Your Committee has amended this measure by:

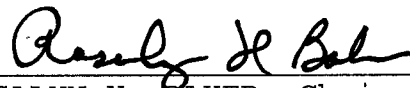
- (1) Clarifying the definition of "prepared food" to ensure pre-packaged non-prepared foods, such as raw eggs and butchered meat, are exempt;
- (2) Narrowing the polystyrene foam container prohibition to restaurants only, rather than also applying the prohibition to vendors operating in the State, and making associated conforming amendments;
- (3) Clarifying that this measure does not preempt a county from enacting more stringent ordinances;
- (4) Delaying the effective date to December 31, 2020, to provide businesses additional time to source alternatives to polystyrene foam containers; and



- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 11, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 11, S.D. 1.

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



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ROSALYN H. BAKER, Chair



