

STATE OF HAWAII
DEPARTMENT OF HEALTH
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WRITTEN
TESTIMONY ONLY

Testimony COMMENTING on HB0762 HD 1
RELATING TO SINGLE-USE PLASTIC STRAWS

REPRESENTATIVE ROY M. TAKUMI, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Hearing Date: February 12, 2019 Room Number: 329

1 **Fiscal Implications:** Unknown

2 **Department Testimony:** The purpose of the measure is to prohibit a full-service restaurant
3 from providing a single-use plastic straw to a consumer unless requested by the consumer.

4 The Department of Health (Department) offers the following comments. The Department
5 has not actively enforced state litter laws under Hawaii Revised Statutes Chapter 339 since the
6 abolishment of the Litter Control Office in the late 1990s. Therefore, the Department may not be
7 able to actively enforce without additional funding and resources. This measure may impact the
8 priorities identified in the Governor's Executive Budget Request for the Department's
9 appropriations and personnel priorities.

10 **Offered Amendments:** None

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



HB762 HD1
RELATING TO SINGLE-USE PLASTIC STRAWS
House Committee on Consumer Protection and Commerce

February 12, 2019

2:00 p.m.

Room 329

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on HB762 HD1, which would prohibit full-service restaurants from providing a single-use plastic straws to a customer, unless requested by the customer. OHA appreciates this measure's potential to reduce the impacts of plastic waste on our native wildlife, marine and coastal resources, and associated Native Hawaiian traditional and customary practices, and **respectfully suggests the Committee's consideration in removing preemption provisions that may inadvertently inhibit the further regulation of plastic straws by the counties.**

Single-use plastics, such as polystyrene foam containers, plastic bags, and plastic straws, have a well-established impact on native species of cultural significance, including endangered as well as subsistence resource species. In Hawaiian waters, the ingestion of discarded plastic debris 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. Discarded 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 and 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.**

OHA appreciates this measure's intent to reduce the production of single-use plastic straw waste in full-service restaurants. However, OHA does note that this measure does not eliminate the use of plastic straws by such restaurants, who may continue to provide plastic straws simply by asking customers if they would like to use one. Moreover, OHA further notes that there may be a significant volume of plastic straw waste generated from food establishments that do not offer full, sit-down restaurant service; such "take-out" waste may also have a higher potential of being discarded into the environment, ultimately ending up in our coastal areas and ocean waters. This measure's preemption of "all contrary ordinances or rules adopted by a county or any department or agency thereof regulating single-use plastic straws," may unnecessarily and inadvertently inhibit the counties from addressing such issues, and offering stronger protections for our ocean waters and resources from a known source of plastic waste. **OHA respectfully suggests that the Committee consider removing such a preemption provision, as unnecessary and potentially counterproductive in the overall goal of reducing the impacts of single-use plastic waste on our native species, marine and coastal resources, and associated practices.**

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.



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To: Rep. Roy M. Takumi, Chair
Rep. Linda Ichiyama, Vice Chair
Members of the Committee on Consumer Protection & Commerce

From: Victor Lim, Legislative Lead
Hawaii Restaurant Association

Subj: HB 762 HD 1 Relating to Single-Use Plastic Straw

Date: February 9, 2019

We at the Hawaii Restaurant Association representing over 3,500 restaurants in Hawaii supports HB762 HD 1 stating that a full service restaurants shall not provide a single-use plastic straw to a customer unless requested by the customer.

We are in support of being eco-friendly with common sense being applied to achieve this objective.

Thank you very much for allowing us to comment on this bill.





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TO:
Committee on Consumer Protection and Commerce
Representative Nicole E. Lowen, Chair
Representative Rep. Tina Wildberger, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: February 12, 2019
TIME: 2pm
PLACE: Conference Room 329

RE: HB762 HD1 Relating to Single-use Plastic Straws

Position: Support

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.

This is a common sense measure that will greatly reduce unnecessary use of straws, without banning a safe, useful, and affordable product. In many cases customers in sit down restaurants have no need for a straw, but sometimes they are distributed as a matter of habit. Ending this practice in sit down restaurants means less straws end up as waste and puts the decisions of whether or not to use a straw in the hands of customers. We encourage you to vote yes on this measure.



February 10, 2019

To: The Honorable Roy Takumi, Chair
Members, House Committee on Consumer Protection and Commerce

From: Tim Shestek, Senior Director
State Affairs

RE: HB 762 HD1 – SUPPORT

The American Chemistry Council (ACC) is writing in support of HB 762 HD1, which would require straws be provided to customers only upon request.

Attention is rightly turning to the overall volume of consumer waste generated by the way in which we use products, and many are looking for ways to reduce or eliminate wasteful uses of products. Consumer attention has recently focused on situations where drinking straws are automatically provided as an area where unnecessary use could be reduced.

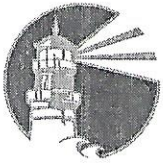
There are many circumstances in which the use of drinking straws will enhance safety, and promote sanitary conditions. Some examples include beverages consumed while driving, hospital use, daily living for people with physical impairments or recovering from injury, seniors and others who may have difficulty lifting a drink, and travelling with small children. However, there are also circumstances when a drinking straw is automatically provided in a drink before the consumer has asked for one.

ACC and its members take seriously the issue of litter and marine debris. To that end, ACC's Plastics Division recently announced a product stewardship position for straws as part of our ongoing efforts to help promote the responsible use of valuable plastic materials.

To avoid unnecessary and potentially wasteful use, ACC supports an "upon request" approach such as proposed in HB 762 HD1. However, we would encourage the committee to reinsert the preemption language contained in the original bill in order to avoid a patchwork of local ordinances.

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.





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NOTICE OF HEARING

DATE: Tuesday, February 12, 2019
TIME: 2:00 p.m.
PLACE: Conference Room 329

**TESTIMONY OF THE OCEAN TOURISM COALITION IN SUPPORT OF HB762, HD1
RELATING TO SINGLE USE PLASTIC STRAWS**

Chair Takumi, Vice Chair Ichiyama and Members of the CPC Committee:

My name is James E. Coon, President of the Ocean Tourism Coalition (OTC) speaking in support of HB762 Relating to single use plastic straws.

The OTC represents over 300 Ocean Tourism Businesses across the State.

While this proposed legislation does not directly impact our industry the reduction of plastic straws in our environment will have a positive impact on everyone. There are viable biodegradable and reusable options readily available.

Please pass HB762 HD1 this is an easy win for the environment.

Sincerely,

James E. Coon, President

Ocean Tourism Coalition

HB-762-HD-1

Submitted on: 2/11/2019 1:33:14 PM

Testimony for CPC on 2/12/2019 2:00:00 PM

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

Comments:



KYD, Inc. dba k. yamada distributors

An independent leader in packaging and wholesale distribution

P.O. BOX 29669, Honolulu, Hawaii 96820 Phone: (808) 836-3221 Fax: (808) 833-8995

HB 762hd1, Relating to Single Use Plastic Straws

House CPC Hearing

Tues Feb. 12, 2019

2:00pm – Room 329

Position: Support

Chair Takumi and Members of the House CPC Committee:

I am Dexter Yamada, President of KYD, Inc. dba: K. Yamada Distributors. KYD, Inc. is a local family run business that originated in the 1940's as a florist and florist supply distributor, and in 1958, evolved into a packaging company. KYD, Inc and its sister company, Hawaii's Finest Products, LLC, manufacture packaging materials such as food-grade EPS (Expanded Polystyrene) food containers, and distribute a variety of supplies, to include compostable containers, for food processors, food establishments, supermarkets, hotels hospitals and other institutions.

As a kamaaina family business in Hawaii, we live here and care about our environment. 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.

This measure allows the consumer to request a single-use plastic straw in full service restaurants. This is particularly important for persons with disabilities.

According to Emily Ladau, an activist and writer on disability issues, (CNN, July 11, 2018) and has Larsen syndrome, people who need straws need plastic straws. Straws from paper dissolve. Metal straws can get too hot or cold depending on the liquid drink. Reusable straws are often forgotten at home.

"Other types of straws simply do not offer the combination of strength, flexibility, and safety that plastic straws do," Disability Rights Washington, a nonprofit with offices in Seattle, said in a letter it coauthored to the city.

For others who are able-bodied, this measure provides a choice to request straws or forego it altogether. No matter what material is used for the straw proper litter disposal is key to protecting the environment. A consistent state-wide policy is urged for the benefit of visitors as well as for residents who travel between islands.

Please support this bill. Thank you for the opportunity to testify.



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HB-762-HD-1

Submitted on: 2/8/2019 11:30:47 PM

Testimony for CPC on 2/12/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sydney Rae Lewark	Individual	Support	No

Comments:

Chair Takumi and committee members, thank you for giving me the opportunity to testify before you today. My name is Sydney Lewark, I am a Hawaii Pacific University Environmental student, an active free-diver, and I am in strong support of House Bill 762.

Americans use 500 million plastic straws every day. If the straw is exposed to sunlight, it will fracture break apart into many small pieces. These pieces enter the food chain, and accumulate in the tissues of commercial fish and large aquatic organisms. If the straw does not photodegrade, it will enter the ocean as a projectile. The structure of a straw can easily impale sea turtle nostrils, choke hungry birds, and puncture the organs of hungry marine mammals.

Though plastic straws make up only 4% of plastic pollution, I often pull them from the crevices of coral heads and catch them floating on the out moving tide. They have an ideal form for wedging in-between coral branches, and once fractured, their pieces are almost impossible to collect.

I have a reusable straw I bring with me whenever I go out. This was an easy transition for me because I was inspired by the impact I could have by making this simple switch. Many companies make foldable or low-profile straws that are easy to carry, clean and use. I would emphasize the success a full phase-out of single plastic straws could bring, including the minimization of pollution, marine ecosystem health, and financial benefits for restaurants.

One day I hope to teach my children how to free-dive and engage in the beauty of ocean ecosystems. When this day comes, I hope the sea isn't overrun with plastic, poisoned by toxicants, and deprived of biodiversity. I hope when this day comes, the sea is on the mend, and healthier than how we originally found it.

I strongly urge the CDC committee passing of House Bill 762, and to send it to the third reading and the Judiciary committee. Thank you for considering my testimony, and taking action in protecting the environment and our future.

HB-762-HD-1

Submitted on: 2/11/2019 1:06:59 PM

Testimony for CPC on 2/12/2019 2:00:00 PM

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

Comments:

Aloha committee members,

My name is Tabatha Knudson and I am a freshman at the University of Hawai'i at Manoa studying Global Environmental Science. I have grown up on the east side of 'Oahu for my entire life and spent 10 years of my life in the water and at the beach almost every single day. While enjoying and appreciating our beautiful beaches and oceans, I also witnessed the effects of marine pollution. I have participated in dozens of beach cleanups, and without fail, I am able to find a plastic straw. While plastic straws should be banned completely, restricting plastic straws to only upon request is a simple solution that will have significant impacts, and is another step in the right direction.

As a student, I get to witness the environmental efforts that are being supported and encouraged by my peers. Second only to reusable water bottles, reusable metal straws have now become the new craze. They are cheap, slim (making them easy to carry), easy to clean, and incredibly impactful. Metal straws make their users feel like they are making a positive difference every time they use them--which they are! It's a fun new culture that I am excited to participate in and watch it grow. For this reason, I genuinely don't feel that making plastic straws only upon request will have a significantly negative impact--people are already supporting the shift as it is.

Overall, I support this bill and hope to see it passed. I think that it will be beneficial for restaurants, consumers and the environment, all with minimal sacrifices.

Thank you so much for taking the time to read this testimony, and I look forward to your decision.

Tabatha Knudson

University of Hawai'i at Manoa



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 12, 2019**

Re: HB 762 HD1 Relating to Single Use Plastic Straws

Good afternoon Chairperson Takumi and members of the House Committee on Consumer Protection and Commerce. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii (RMH) is a statewide not-for-profit trade organization committed to supporting the retail industry and business in general in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

Retail Merchants of Hawaii supports HB 762 HD1 Relating to Single Use Plastic Straws. Customers are the driving force as to how many business are run. Businesses respond to the wants of the customers that patronize their particular establishments. We are already seeing establishments changing and offering at the request of the customer.

We would like to see the language that prohibits the counties from enacting ordinances, rules or regulations on single use plastic straws be reinserted. With many businesses having locations on multiple islands it would streamline operations. It is our understanding that many customers who have are disabled or elderly use a plastic straw as they are able to bend and conform to their needs. Many customers would also be confused as to why one location does it one way and another sister location has a different set of rules.

If the goal is to reduce the litter, we should also be looking at a truly coordinated comprehensive litter reduction education program as well as vehicles that keep the opala contained and not able to fly out of the receptacles.

Again mahalo for this opportunity to testify.

HB-762-HD-1

Submitted on: 2/12/2019 7:53:50 AM

Testimony for CPC on 2/12/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Zachary LaPrade	Calypso Charters	Support	No

Comments:



SIERRA CLUB OF HAWAI'I

MĀLAMA I KA HONUA. *Cherish the Earth.*

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

February 12, 2019 2:00 p.m. Room 329

In SUPPORT of HB762 HD1: Relating to single-use plastic straws

Aloha Chair Takumi, Vice Chair Ichiyama, and members of the committee,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **supports HB 762 HD1**, which seeks to prohibit a full-service restaurant from providing a single-use plastic straw to a consumer unless requested by the consumer.

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.

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 large plastic island gyres. Single-use plastics cannot typically be recycled, and pose harm to marine life, especially plastic straws. Millions of plastic straws are used every day in the United States. Being that plastic straws are a single-use item, they are thrown away directly after use. The toxins and heavy chemicals found in them 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 our beaches.



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

The transition away from plastic straws is very possible and happening across the United States. California recently became the first state to place a ban on plastic straws in restaurants, Seattle became the first major US city to ban single-use plastic straws, and many large corporations are vowing to stop offering plastic straws such as Starbucks, American Airlines, and Marriott International. Sierra Club of Hawai'i supports this measure but understands that prohibiting straws in restaurants is just one of the first steps to really dealing with the tragedy of single-use plastics and pollution.

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. This effort will also enable Hawai'i to invest in the future aesthetics of the island, and more importantly the health and safety of marine life and the local population.

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.

Thank you very much for this opportunity to provide testimony in **support of HB 762 HD1**.

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

Dear Committee on Consumer Protection and Commerce,

The mission of Pacific Whale Foundation (PWF) is to protect the ocean through science and advocacy and to inspire environmental stewardship. We support and greatly appreciate your efforts to help reduce single-use plastics in the State of Hawaii. We write to provide our **support** for Bill HB762 with the report title of "Relating to single-use plastic straws" aimed at reducing single-use plastic items in the state of Hawaii, but with one suggested amendment.

500 million plastic straws are used every day in America and straws have become one of the top ten marine debris items found during beach clean ups both in our own country and worldwide (Ocean Conservancy, 2018). In the summer of 2018, there was a wave of environmental campaigns asking for cities and states to ban all plastic straws from businesses, restaurants, theme parks, and even airplanes. But in the hopes of putting a dent into our plastic pollution problem, the needs of disabled persons have been overlooked. The American Disability Alliance (ADA) has expressed that people with certain motor function or muscular disabilities require plastic drinking straws. Often times, non-plastic alternatives do not function in the same way as plastic straws, which some people require to drink. We thank you for taking this into account in this proposed bill.

Plastic debris is becoming a looming and increasing threat in today's world, with over 220 million tons of plastic produced each year (GESAMP. (2009). Pacific Whale Foundation asks all of its members and supporters to help keep our single-use plastics to a minimum here in the state of Hawaii by supporting this proposed bill. Our only proposed amendment is to change the effect date, which currently is July 1st, 2100. We believe this effect date is too far in the future, and if progress on plastic pollution is to be effective, the date needs to be much sooner.

Passing this proposal will benefit our oceans and wildlife, while taking a large step in the direction of reducing our plastic pollution crisis.

Sincerely,

Jenny Roberts

Conservation Coordinator for Pacific Whale Foundation

Literature Cited:

Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP). (2009). *Pollution in the Open Oceans: A Review of Assessments and Related Studies*. International Maritime Organization. 64 p.



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Ocean Conservancy, 2018. International Coastal Clean Up Report 2018. *Ocean Conservancy* 1-28.

HB-762-HD-1

Submitted on: 2/12/2019 10:26:08 AM

Testimony for CPC on 2/12/2019 2:00:00 PM

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

Comments:

HB-762-HD-1

Submitted on: 2/12/2019 12:25:27 PM

Testimony for CPC on 2/12/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ashley Ostendorf	Individual	Support	No

Comments:

I support this bill because we must protect our ecosystems. Hawaii's economy is based foundationally on the health and wellness of our ecosystems, so anything that can undermine them, undermines our source of prosperity as well. As stewards of this land, it is our responsibility to protect ourselves, our community, and Hawaii, from the threat of plastic. It is a non biodegradable substance, that causes immense harm to wild life and the quality of our waters as well. Plastic straws specifically are dangerous in that they can get consumed by animals and can cause other medical complications for marine and terrestrial life, eventually leading to death and the slow destruction of our planet. Straws in restaurants are completely unnecessary, and any place where we can cut back on our use of plastic is a win for everyone. It is easy for businesses to purchase and supply compostable straws to their customers, or not offer them unless the customer asks. One small change such as this can lead to a huge reduction in plastic waste over time, further ensuring the wellbeing of our community and local ecosystems.