

Honolulu, Hawaii

FEB 15 2017

RE: S.B. No. 1109
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committees on Agriculture and Environment and Public Safety, Intergovernmental, and Military Affairs, to which was referred S.B. No. 1109 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Beginning January 1, 2018, prohibit a food vendor in the State from serving or packaging prepared food in polystyrene foam containers, unless the food vendor qualifies for an exception;
- (2) Impose penalties for violations; and
- (3) Appropriate funds for public education and enforcement.

Your Committees received testimony in support of this measure from the Conservation Council for Hawai'i; Democratic Party of Hawaii; Environmental Caucus of the Democratic party of Hawaii; Surfrider Foundation; Surfrider Foundation, Oahu Chapter; Beach Environmental Awareness Campaign Hawai'i; Oahu Fresh L.L.C.; Big Island Divers; 9Bar HNL; Kōkua Hawai'i Foundation; Hawai'i Wildlife Fund; Styrophobia; Sustainable Island Products; Wipeout Crew; and three hundred twenty-one individuals. Your Committees received testimony in opposition to this measure from the Chamber of Commerce Hawaii; Hawai'i Restaurant Association; Retail Merchants



of Hawaii; Hawaii Food Industry Association; KYD, Inc. dba: K Yamada Distributors; and three individuals. Your Committees received comments on this measure from the Department of Health.

Your Committees find that many food service businesses in Hawaii use expanded polystyrene foam containers for food that is taken out by customers. Expanded polystyrene foam is made from thermoplastic petrochemical materials containing styrene and may leach styrene into food that comes into contact with the containers, posing potential health hazards for people eating food carried in these containers. Your Committees also find that polystyrene foam containers do not biodegrade and, because of their expanded size, take up significant space in landfills. Your Committees note the popular support for alternative, compostable food service containers, but also recognize that there is no viable, commercial composting facility in the State. Because of these challenges, your Committees find it necessary to examine alternatives for non-compostable food service containers that may be used in place of expanded polystyrene foam food service containers.

Your Committees have amended this measure by:

- (1) Inserting an effective date of July 1, 2020; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1109, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1109, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Agriculture and
Environment and Public Safety,
Intergovernmental, and Military
Affairs,

Clarence K. Nishihara

CLARENCE K. NISHIHARA, Chair

Mike Gabbard

MIKE GABBARD, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:* <i>SB 1109</i>	Committee Referral: <i>AEN/PSM, CPH/WAM</i>	Date: <i>2/8/17</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	<i>X</i>			
RIVIERE, Gil (VC)	<i>X</i>			
NISHIHARA, Clarence K.	<i>X</i>			
RHOADS, Karl	<i>X</i>			
RUDERMAN, Russell E.				<i>X</i>
TOTAL	<i>4</i>	<i>0</i>	<i>0</i>	<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>[Signature]</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:* SB 1109	Committee Referral: AEN/PSM, CPH/WAM	Date: 2/8/17
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.				✓
IHARA, Jr., Les				✓
THIELEN, Laura H.	✓			
TOTAL	3	0	0	2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: 

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