

STAND. COM. REP. NO.

126

Honolulu, Hawaii

February 7, 2019

RE: H.B. No. 850
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 850 entitled:

"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION,"

begs leave to report as follows:

The purpose of this measure is to promote public health, reduce litter, and limit the entry of harmful materials into the environment in the State by prohibiting the sale of polystyrene foam food service containers and their use by food providers of all types, subject to certain exemptions.

The Department of Land and Natural Resources, Office of Hawaiian Affairs, Ocean Tourism Coalition, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Sierra Club of Hawai'i, Surfrider Foundation, Surfrider Foundation's Oahu Chapter, Kokua Hawaii Foundation, Sustainable Coastlines Hawaii, Madre Chocolate, and many individuals supported this measure. The KYD, Inc. dba k. yamada distributors, Hawaii Food Industry Association, Hawai'i Restaurant Association, American Chemistry Council, Retail Merchants of Hawaii, Plastics Industry Association, and an individual opposed this measure. The Department of Health provided comments.

HB850 HD1 HSCR EEP HMS 2019-1571



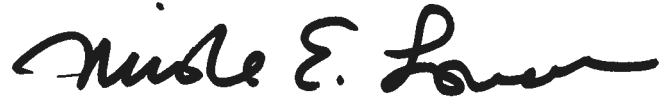
Your Committee has amended this measure by:

- (1) Amending the new statutory chapter title to read "Polystyrene Foam Containers";
- (2) Clarifying the prohibitions on sale and use of polystyrene foam containers by:
 - (A) Limiting the prohibition on sales of polystyrene containers to vendors who engage in selling or offering for sale any prepared food container within the State; and
 - (B) Limiting the prohibition to restaurants that serve prepared food using polystyrene foam containers;
- (3) Deleting language providing for statutory exemptions, penalties, information distribution requirements, and an annual reporting requirement by the Department of Health;
- (4) Authorizing the Department of Health to adopt rules relating to enforcement, exemptions, and consumer education;
- (5) Inserting a severability clause;
- (6) Changing its effective date to July 1, 2100, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 850, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 850, H.D. 1, and be referred to your Committees on Consumer Protection & Commerce and Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,



NICOLE E. LOWEN, Chair



