

STAND. COM. REP. NO.

1702

Honolulu, Hawaii

, 2019

MAR 14

RE: S.B. No. 367

S.D. 1

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 S.B. No. 367, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to prohibit food service businesses and stores from selling, using, or distributing polystyrene foam containers, expanded polystyrene food service products, plastic straws, and plastic bags.

The Office of Hawaiian Affairs, Council Member representing District 7 of the Hawai'i County Council, Ocean Friendly Restaurants Hawaii, Kona Brewing Company, Waikiki Brewing Company, Sierra Club of Hawai'i, Dolphin Quest, Midnight Bear Breads, What it Dough, Morning Brew Cafe, Banan, Pioneer Saloon at Kakaako, Kalapawai Market & Cafes, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Zero Waste O'ahu, Keiko Conservation, No Single-Use Hawaii, Olsen Pacific Consulting, Temple Children, Kōkua Hawai'i Foundation, Nalu Health Bar & Cafe, Sustainable Coastlines Hawaii, Strawai'i Bamboo Straws Made in Hawaii, the Nook Neighborhood Bistro, Mahina and Suns, Surf News Network, Sail Hawaii International LLC, Hawai'i Reef and Ocean Coalition, Surfrider Foundation, Surfrider Foundation O'ahu Chapter, Surfrider Foundation Kauai, Stacey G Jewelry, Kailua

SB367 HD1 HSCR EEP HMS 2019-2954



Beach Adventures, Free Access Coalition, Hongwanji Betsuin Buddhist Temple, and many individuals supported this measure. The Department of Environmental Services of the City and County of Honolulu and City and County of Honolulu Office of Climate Change, Sustainability and Resiliency supported the intent of this measure. Island Plastic Bags Inc., KYD, Inc. dba K. Yamada Distributors, Hawai'i Restaurant Association, Reynolds Recycling, Jets Fast Food, Stadium Pho, Papa's Cafe, Waiahole Poi Factory, American Chemistry Council, Pho Tri Restaurant, Cooke Street Diner, Queen Street Cafe & Grill, the Hibachi, Nabeya Maido, LoCo MoCo Drive Inn-Ewa Beach, Wiki Wiki Drive Inn-Waterfront Plaza, Retail Merchants of Hawaii, Honolulu County Republican Party, and many individuals opposed this measure. The Department of Health, Hawaii Food Industry Association, Cheeseburger Restaurants Inc., Shiro's Saimin Haven, and an individual provided comments.

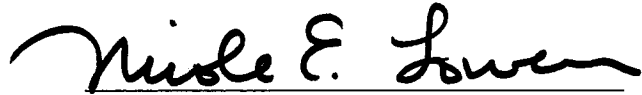
Your Committee has amended this measure by:

- (1) Applying the prohibition on sale and use to only polystyrene foam food service containers and making conforming amendments;
- (2) Deleting language which provided for penalties for violation of this measure;
- (3) Deleting language that would have allowed preemption by more restrictive county ordinances;
- (4) Changing its effective date to July 1, 2100, to encourage further discussion; and
- (5) 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 S.B. No. 367, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 367, S.D. 1, 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



Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: <b>SB 367 SD1</b>	Committee Referral: <b>EEP, CPC/JUD, FIN</b>	Date: <b>3.12.19</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. LOWEN, Nicole E. (C)	✓			
2. WILDBERGER, Tina (VC)	✓			
3. HAR, Sharon E.		✓		
4. TARNAS, David A.	✓			
5. TODD, Chris	✓			
6. YAMANE, Ryan I.	✓			
7. THIELEN, Cynthia	✓			
TOTAL (7)	6	1	0	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u>Tina Wildberger</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				