

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

May 18, 2017

THE SPECIAL MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON THURSDAY, MAY 18, 2017, BEGINNING AT 4:31 P.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This Special meeting of the County Council will please come to order.

Mr. Clerk, please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS ALIKA ATAY, ELEANORA COCHRAN, S. STACY CRIVELLO, DONALD S. GUZMAN, KELLY T. KING, YUKI LEI K. SUGIMURA, VICE-CHAIR ROBERT CARROLL, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBER G. RIKI HOKAMA.

(Councilmember Hokama was not present when the roll was called; however, he arrived at 4:47 p.m.)

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, eight Members present, one excused. A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you very much. And before we proceed, please turn off your noisemaking devices. And we'll try to maintain some, some order in the, in the chambers.

Mr. Clerk, let's proceed with testimony.

COUNTY CLERK: Mr. Chair, proceeding with the presentation of testimony on agenda item. We've established limited interactive communication that enables individuals from Hana, Lanai, and Molokai to provide testimony from our District Offices. Individuals who wish to offer testimony from Hana, Lanai, and Molokai should now sign up with the District Office staff.

Individuals who wish to offer testimony in the chamber, please sign up at the desk located on the eighth floor lobby just outside the chamber door.

Testimony at all locations is limited to the items listed on today's agenda. And when testifying, please state your name and the name of any organization you represent.

Hana Office, please identify yourself and introduce your first testifier.

MS. DAWN LONO: Good afternoon. This is Dawn Lono at the Hana Office, and there is no one waiting to testify.

COUNTY CLERK: Thank you.

Lanai Office, please identify yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai, and there is no one waiting to testify.

COUNTY CLERK: Thank you.

Molokai Office, please identify yourself and introduce your first testifier.

MS. ELLA ALCON: Our first testifier is Keani Rawlins-Fernandez.

MS. KEANI RAWLINS-FERNANDEZ:

Aloha, Chair and Councilmembers. Mahalo for this opportunity to testify in strong support of this bill. My name is Keani Rawlins-Fernandez, and I want to thank all of you for putting so much time and effort into passing this important measure.

I understand the balance, the balancing that's required between protecting our environment and ensuring our local businesses can remain in, in operation. I too was concerned after Councilmember Crivello talked about the inventory of our food establishment here on Molokai at the last meeting. So I went and talked story with

them and found out that none of them hold an inventory longer than 6 months. Most of the businesses I talked to, about eight of them, do not carry more than a month's worth of inventory at a time. And for this reason, I believe that 8 month, 18 months would be more than enough time to transition this bill, this policy into law.

So, mahalo again to each of you for your diligence and hard work. Aloha.

CHAIR WHITE: Members, any need for clarification?

Seeing none, Mr. Clerk.

COUNTY CLERK: Molokai, are there any additional individuals waiting to provide testimony?

MS. ALCON: There is no one here waiting to testify.

COUNTY CLERK: Thank you.

Mr. Chair, we have seven individuals who have signed up to testify in the Council chamber. The first person to testify is George Burnette, to be followed by Marjorie Bonar.

MR. GEORGE BURNETTE:

Aloha, Chair and Councilmembers. My name is George Burnette. I'm testifying as an individual. I am very much in favor of the proposed ban on polystyrene foam. And I'd like to thank everybody who worked so hard on this for so many years. And thank you for your support of this.

CHAIR WHITE: Well, I don't think we need clarification of that. Thank you, Mr. Burnette.

Mr. Clerk.

COUNTY CLERK: Next testifier is Marjorie Bonar, to be followed by Michael Poulter.

MS. MARJORIE BONAR:

Aloha. I had only planned on coming to give you a great mahalo. And thank you for the wonderful speeches you made in support of our oceans at the last session. This

little sketch, some of you got this, some have others, which is just kind of reinforcing that.

But, I have to make a couple of statements because of the viewpoints in this morning's paper that most of you probably read. And unfortunately, the person writing that just seems to have a lot of misinformation, and for some reason is really passionate.

We've got a chicken and egg situation here. Remember, we use to recycle plastic. Aloha Recycling was making plastic benches and such, couldn't get enough feed stock. So, here is a chicken and egg thing. Do we get enough feed stock to show there can be a business to do this? Or do we try a business and hope that the feed stock is there and that you aren't buying equipment that sits there doing nothing, which is what's happened with his?

The other thing is that the working group did talk about Meals on Wheels, and found if anything would be the best place to be using reusable containers. Why am I so . . . it would be Meals on Wheels. You know, it's just, I'm only showing these because there are the ones I happen to have. But any kind of plastic that is reusable and washable, because they're seeing the same clients' day after day, and week after week.

We just waited way too long, and it's time to do this. Anything that needs to be tweaked, do it later. Because the longer we wait, the more things die. That's all. Aloha.

CHAIR WHITE: Thank you, Ms. Bonar.

Members, any need for clarification?

Seeing none, Mr. Clerk.

COUNTY CLERK: Next testifier is Michael Poulter, General Manager, Zippy's Maui. To be followed by Joy Gold.

MR. MICHAEL POULTER:

Aloha, Chair and Councilmembers. My name is Mike Poulter, General Manager of Zippy's Maui. I just wanted to make a couple of quick statements.

Roughly 5 or 6 years ago, we changed a majority of our food containers from a Type 6 to a Type 5, which is a polypropylene. Some of the benefits included; they were reusable, microwaveable, dishwasher-safe, and recyclable. It was well received by our customers, as they had the option to reuse them or repurpose them for other purposes.

We did retain some of the Type 6 containers for holding higher temperature items; such as saimin, soups, and meat sauces. These are normally held in temperatures of 160 to 190 degrees.

We did experiment with many different types of containers; biodegradables, etc. But the Type 6 were deemed superior in both heat retention and holding their shapes. And it became a possibility of looking at spills and safety issues, when guests were carrying things out.

Pricing for Zippy's was really not an issue, because most of our containers are sized and custom-logoed. So that wasn't really a major factor. And also, pricing is also subject to the volume used, the number of deliveries you take weekly, and the relationship you have with your vendors of the, of the products purchased. Thank you. Thank you for your time.

CHAIR WHITE: Thank you very much for being here.

Members, any need for clarification? Seeing none, appreciate you coming down today.

Mr. Clerk.

COUNTY CLERK: Next testifier is Joy Gold, consultant, KYD, Inc., Dexter Yamada. To be followed by Wenli Fan Ka.

MS. JOY GOLD:

Good afternoon, Chair, Members of the Council. Joy Gold, consultant to KYD, Inc., and Dexter Yamada.

Appreciation is expressed for the two-day hearing of experts that have given reason to pause, if not oppose this proposed ban. Polystyrene is proven to be safe, and it is not a carcinogen. Polystyrene is approved for use in contact with food.

Marine scientists stated that ocean debris comprised of a large variety of plastics from unknown sources, and more study is needed to identify how much of it is from polystyrene foam containers for food. Much of the white foam shown in the photos were from packing material, insulation, coolers, ice chests, which are not subject to the ban. 65,000 pounds of PS (polystyrene) was cited, but without context, without substantiation and discussion of what that means. It is very confusing at the least. UC-SB Professor admitted that it is not the amount produced daily in Hawaii, nor was the photo of a Hawaii bay.

When you think about it, if this much PS is used daily, then the numbers in terms paper, in terms of weight, would be two to three times more, just because it's heavier. Meaning that, in terms of landfill, the density would increase how quickly the landfills would fill up.

The scientific paper presented on microplastic particles in larval fish has been retracted because of scientific dishonesty. You can see the attached article.

Cost, of which a VIP price list was circulated, and later corrected, does not reflect industry trends. Food operators, schools, senior congregate programs, etc., must pay in advance by the cases, not by one container at a time. It means thousands of dollars in added expense that come out of thin margins and fixed budgets.

And I've attached two different types of cost comparisons for you to look at in terms of what are actual trend comparisons between different products. Many small business operators do not testify because they're working. And I have heard some fear retaliation in going against this mandate for compostable products. Immediate beneficiaries from the mandates would be World Centric, Styrophobia, Sustainable Products, and the list goes on.

In closing, I would like to say that the Council seems inclined to pass this bill. As such, when you do the 2021 review, the Council is urged to evaluate quantifiable environmental and economic impacts of the change to environmental products. Thank you.

CHAIR WHITE: Thank you, Ms. Gold.

Members, any need for clarification? Seeing none, thank you for being here this afternoon.

MS. GOLD: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Wenli Fan Ka, restaurant owner, Millyard Hamburger Steak House. To be followed by Jerry Masaki.

MS. WENLI FAN KA:

Hi. Good afternoon, everybody. I'm a small restaurant . . . at Millyard Hamburger Steak House. Today I would like to explain about if we have something to replace the container so we can survive, I would like to. But, if nothing, I cannot ask the customer. We only have four table in a small restaurant, and most of the customers they phone call, it's for make a phone call and then go over there for pick up the food. We cannot ask the customer to bring your own container and then come over there.

And so, if I have a better solution, something replace, I really appreciate to do that way. But, we have to survive for not only our small restaurant. I think a lot of the small restaurant, we have to do that way. And then, for container we use 2,000 of the containers per month. It's like cost 250. And per container is 11 cent. But, if we have added some containers that cost really a lot, I don't think we can survive at all. And, thank you.

CHAIR WHITE: Thank you very much for being here this afternoon. Members, any need for clarification?

Mr. Clerk.

COUNTY CLERK: Next testifier is Jerry Masaki, General Manager, Pukalani Superette. To be followed by Vanessa Ghantous.

MR. JERRY MASAKI:

Good afternoon, Mr. White--

CHAIR WHITE: Good afternoon.

MR. MASAKI: --Councilmembers. My name is Jerry Masaki, General Manager of Pukalani Superette. The Pukalani Superette is in favor of protecting our environment.

I believe that the process in which our environment, I believe, I believe the process in which we protect our environment is in question. Prior to voting on this measure, the Committee should meet with distributors, manufacturers, as to our alternative costs

and availability of product. We recommend that the Council looks at alternatives in recycling these products.

I had mentioned to a few of you that this morning there was a article in the Maui News about long-term trash solutions. And this was written by CJ Deli & Diner. And, I was not aware that on the west side, where it's so close to the ocean, they don't even have a recycling center. I think these things should be addressed as much as addressing banning Styrofoam. Thank you.

CHAIR WHITE: Thank you, Mr. Masaki. Members, any need for clarification? Thank you for being here this afternoon.

Mr. Clerk.

(Councilmember Hokama arrived at the meeting at 4:47 p.m.)

COUNTY CLERK: Next testifier is Vanessa Ghantous, owner Gypsy Maui Food Truck. To be followed by Adriane Raff Corwin.

MS. VANESSA GHANTOUS:

Good afternoon, Chair and Council. I'm here as a small business owner, and probably the smallest small businesses out there. I have a very short workday, and have chosen to do that because we're a small family-owned business; I'm a working mom. So, my profit margin is slim. I think slim is a generous word.

And when I was looking at the different products to use to serve hot coffee, and soup, and salads, I checked out the prices of both the plastic and Styrofoam options, and all of the recycled and recyclable options, and the biodegradable as well.

I was encouraged to contact a distributor from another island and have the products shipped in. And that wasn't something that I was able to do. I would have to buy larger quantities and I didn't have anywhere to store it, and I couldn't afford to put out that much cash in advance to buy that many containers.

So, I was looking at the stores locally, where I could buy smaller quantities. And, I found plenty of options; biodegradable, post-consumer recycled, recyclable options available at TJ's Warehouse. I can also order it through Maui Chem and have it picked up. I can get it at Costco, Hopaco, and I can also get it over at Island Grocery Depot, which was VIP. And all of those stores have extended hours. They have

reasonable prices. You can buy large or small quantities. I can buy things by the case or by the individual sleeve.

And I am not experiencing any economic hardship whatsoever. And I am benefitting our environment, and I really feel that the few cents extra that I spend keeping something out of our landfill that will be there indefinitely is worth it, worth it to me.

So, I just want to be here in case you had any questions for someone who has a very small business and needs to really pay close attention to their bottom line.

CHAIR WHITE: Thank you very much, Ms. Ghantous.

Any questions for the testifier? Need for clarification? Seeing none--

MS. GHANTOUS: Thank you.

CHAIR WHITE: --thank you for taking time out of your day this afternoon.

Mr. Clerk.

COUNTY CLERK: Next testifier is Adriane Raff Corwin, coordinator, Sierra Club Maui Group. To be followed by Barbara Fernandez.

MS. ADRIANE RAFF CORWIN:

Aloha, Chair. Aloha, Council. Adriane Raff Corwin, Sierra Club Maui Group. I also want to mahalo everyone for words of support in the previous meetings. And I also just want to say a few things clarifying. I really am very thankful for that small business owner that just testified. But for those other small businesses out there that are worried about this ban, I think that, again, because, as you all know, the ban will not go into effect for, I think it's December 31, 2018, is where it's currently written.

So, I think there's a lot of things that we can do to make the transition very easy over that period of time. Of course, there's going to be more distributors that are going to probably be bringing in once they know that this will be sold everywhere on the island, they'll bring the product in.

I think also, of course, the Administration will implement this. We can easily have a spreadsheet or something where people easily fill out a form. Businesses saying, you know, I'm looking for other businesses to maybe do a bulk order with so we get that lowest price possible. But we won't all order separately, right? We can do a bulk

order, many businesses. We just have to coordinate a little. And we have more than a year to figure out that coordination.

So again, I mahalo you very much for hopefully passing this bill. And, oh, also, one other thing I would just like to clarify for the Zippy's testifier is that that number 6 plastic that was referred to, I believe as we went over in the previous meeting, that's not polystyrene foam. So that container that the representative from Zippy's was talking about would not be banned under this bill as written. Thank you.

CHAIR WHITE: Thank you. Members, any need for clarification?

Seeing none, Mr. Clerk.

COUNTY CLERK: Next testifier is Barbara Fernandez, to be followed by Rob Parsons.

MS. BARBARA FERNANDEZ:

Aloha kakou.

CHAIR WHITE: Aloha.

MS. FERNANDEZ: Aloha, Chairman White, Councilmen Carroll, Crivello, Atay, Suki Lei [sic], Elle, Riki, Don, and Kelly. I'm Barbara Hala'i Fernandez from Waiakoa, Kula. And I'm here again to say that I'm in favor and support of this bill, and hope you folks are too.

I've expressed before how important, as a community this, everyone calls it Styrofoam, so they get confused but they know what they're talking about. Right on to the keiki of Molokai, because they informed us educationally and so on, and I think we really got a lot out of that, by them giving us the scientific mana`o that they shared.

Since then, I have gone into the community, where I am from, and other communities too. Just to let you know, you folks and your communities, all the cafes, restaurants in Waiakoa, Keokea, and upper Kula are not only in favor of this bill, but they are already being pono and are using the non-polystyrene for their to-go products.

To my friends in Kihei, look at this, no Styrofoam in recent weeks, and this is from the Cinnamon Roll Place in Kihei. You know where I'm talking about. So, they finally changed over. So, we're so, so proud of them. They also too wanted to make things right.

Grocery stores. When I went to, because we're also a small farmer, a lot of them are trying to change in certain areas. Look at this, that Foodland just did. So, there's a lot of different changes. They changed all their Styrofoam stuff. And this was a, you know, real ono just paper bag sandwich that I had.

So, off we go to do what is our conscience, and local communities want us to do. Some are already on the bandwagon. So, just like you and this Committee, I know you'll make the right step. So, imua and vote "aye". Mahalo.

CHAIR WHITE: Thank you, Ms. Fernandez.

MS. FERNANDEZ: Thank you.

CHAIR WHITE: Members, any need for clarification? Seeing none--

MS. FERNANDEZ: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Rob Parsons, Environmental Coordinator, to be followed by Christian Jorgensen.

MR. ROB PARSONS:

Aloha kakou, Chair, Members. I really came here to, Rob Parsons, came here to thank you all for the work that you've done on this. I'm, I'm one of the members of the audience and the community who has put in dozens, if not hours, hundreds of hours collectively, to try to bring forth information of what other jurisdictions have done, of the scientific studies to show that there is basis to indicate environmental and human health concerns to this product. And, we've really gone through the language of many, many ordinances through California across the nation, and even the international places that have instituted some sort of restrictions.

And I, I re-read the amended version that you have before you today. So, I want to just commend you for the work that you did last week Monday and Tuesday, and to, to come up with some language here. It's something that I can live with.

You know, I know that earlier, or I guess at the end of last year, we submitted something and we were hoping for a 12-month implementation date. And at that time, Councilmember Victorino who was one of the, the leaders in bringing this

legislation forward, said you know, I feel better with 18 months. So, we conceded that, we compromised that, and what you now have is 19 months.

So, that's going to be plenty of time for our Environmental Protection Sustainability Division within Environmental Management to do the outreach to really let our, our people, our retailers and our foodservice vendors know what is prohibited, what is restricted, what is exempted. And other communities have done this kind of outreach, and it really makes this legislation work when we, as the County of Maui are working with some of our members. And you've heard, you've heard both sides of the testimony from some foodservice vendors. And you know, all along the way there's, there's been some misinformation and we've had to sift through that. And I think you've done a very capable job.

And so, I thank you for the work that you've brought us forward. I feel like we're on the two-yard line and just waiting for somebody to run the ball across the goal line. And I really hope that Maui County can, again, lead in the State of Hawaii. Other counties are poised to follow. I know that Hawaii County is watching very closely and is, as is Kauai. The State legislation took a considerable move forward this year, had over 600 individual pieces of testimony in support, but died when one of our senators didn't schedule a hearing for it. But, it's just a matter of time. And, thank you all. I hope we can lead the way, and pass this today. Thank you.

CHAIR WHITE: Thank you, Mr. Parsons.

Any, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Good morning, good afternoon, sorry, Mr. Parsons.

MR. PARSONS: Good afternoon. Yes.

COUNCILMEMBER SUGIMURA: So in your, in your testimony, you mentioned the work that Environmental Management will do. Is that what you said for outreach? What, what did you say?

MR. PARSONS: Well, it's similar to what was done when we implemented the plastic bag ordinance. They contacted a lot of our grocery stores, and just, they didn't have as much lead time then, but they still effectively worked to let people know to BYOB, "Bring Your Own Bag". I remember at Pukalani Superette, you heard the testifier earlier, had a big banner that was paid for by the County, just, just to let people know what was coming their way.

And there's many ways that we can do it. Doesn't have to be done expensively. It can be done website. We've done PSA's, newspaper ads. Stacia Ash from Department of Environmental Management is in the audience today, and I think largely this would be tasked with her Department and her Division.

COUNCILMEMBER SUGIMURA: Chair. So, I remember when the plastic bag, when implemented, and Diedre Tegarden is a friend of mine and who was in charge of OED at that time. And I remember they did bring your own bag and they did, they did a whole campaign. So, are you talking about also your office? You're from, Office of Economic Development will be doing this--

MR. PARSONS: Right.

COUNCILMEMBER SUGIMURA: --or are you saying that there's other resources? Are you speaking for them, do you know that, or are you?

MR. PARSONS: Yea, speaking on behalf of Office of Economic Development, I'd be happy to assist with, with the outreach. And we have some environmental protection funding there. It might fall under that funding source if funds are needed. But, those of us that worked on the task force looked at a lot of other jurisdictions. And there, you know, San Jose is one of the, is just outstanding in how they got information to the people in their community. Yea.

COUNCILMEMBER SUGIMURA: Thank you.

MR. PARSONS: Thank you.

CHAIR WHITE: Thank you, Ms. Sugimura.

Any others?

Ms. King.

COUNCILMEMBER KING: Just real quick. Given my recent experience with social media and how far and wide that can expand, would that be one of the areas you might be looking at for, you know, to get the information out?

MR. PARSONS: I think inevitably, yes. I don't have access to Facebook from my office, but I think I would only need to make a request, and the same would probably true of Environmental Management.

COUNCILMEMBER KING: Okay, that's a nice free source. Thank you.

CHAIR WHITE: Okay.

MR. PARSONS: Thank you.

CHAIR WHITE: Thank you, Mr. Parsons.

Mr. Clerk.

COUNTY CLERK: Next testifier is Christian Jorgensen, to be followed by Marilyn Jorgensen.

MR. CHRISTIAN JORGENSEN:

Okay, I have a handout. Aloha, Council. Aloha, everybody in the audience. Aloha, everybody who might be listening online. My name is Christian Jorgensen, and I'm a small business owner and chef. I have a catering later this evening, so I'm running in between shifts.

I want to thank everybody for all the work that has been put in. And I understand that the price list, and understanding that impact on the small business owner. I have compiled a price list that I, I buy a good amount so I get good prices. And the other price sheet that was out was incorrect. The foam containers were not cheaper than the alternative containers.

And the impact for my business is roughly, and that is very basically cost us \$8,000. And I would like to take that money and put it towards the composting. Now, everybody will be able to switch. Everybody will be behind the switch, when we're putting it in the right place; putting the more expensive container in the same landfill that is built to keep everything insided. Composting, you have to have air and add bacteria.

Now, thank you for clearing the table. What we're talking about is down to four containers with, with a main container being this. And this is \$8,000 for me, not counting the other ones, in one year. Now, I would like to take 6,000 and donate it, and be real green. I gave you green papers in front. I am all for green. And I'll guarantee you we won't need a year, we won't need a campaign. Everybody can switch to this when we're ready.

Now, doing it now when the landfill is there and the composting is not just does not make any sense. It's going to increase the cost for all. And the amount of

exceptions to the rule is, is, is humongous; 80 percent. The peanuts that are flying out, the trash we saw last week were all the little balls that was from different products. That was not from these products. The one percent of the trash ending up that they had identified were not these products. These products burn very well. They are good when they are burned. There are many countries where they have zero waste, zero going in the landfill. They are being burned in incinerators.

Just to know that, the main thing that I have sent out and in the article today is solutions. Let's put lids on the garbage cans. Phone numbers and text to come and empty them on busy holidays, or have the County scheduled to come and empty the trashcan twice. Because it is a litter issue when they're flying in the ocean.

But, bottom line, don't spend more money and putting them in the same landfill. Take the money now and get composting on the budget. Thank you very much.

CHAIR WHITE: Thank you very much, Mr. Jorgensen. Members, any need for clarification?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I just want to thank you for being so passionate. I did read your, your Letter to the Editor that you submitted, you were here the last time we met to testify. And I just wanted to thank you very much.

MR. JORGENSEN: Thank you very much.

CHAIR WHITE: Anyone else? Thank you very much.

Mr. Clerk.

COUNTY CLERK: Next testifier is Marilyn Jorgensen, to be followed by Gretchen Losano.

MS. MARILYN JORGENSEN:

Good afternoon. I'm Marilyn Jorgensen from CJ's Deli & Diner, and you're probably getting sick of seeing me. In a way, I can't believe that I, I have to say this again. It just doesn't seem logical that we are trying to construct a ban on just a few items without the proper infrastructure beforehand. We really need this industrial composting facility, and we need it now.

And we're not kidding about donating money. We'll write a check for \$5,000 tomorrow. Let's get this built. Let's start a crowdfunding campaign. We've got Kickstarter, Indiegogo, and I'm sure we could get people who love Maui. I mean, all my customers love Maui. We could get a lot of people who want to donate to this. And then hopefully you guys could get some grants to help build this composting facility as well.

There's a lot of outreach groups here today. I'm always in the restaurant, come find me. And we want to do anything we can to get this going. But it just kills us to spend another 8,000 a year for nothing. And I don't think a lot of the restaurants that have switched even understand the composting, the whole process, that it, it does not breakdown in the landfill.

And I just want to talk quickly about the plastic bag ban. I must admit I was horrified. I think everyone was with how the bags were everywhere. I mean, they were everywhere on the island; hanging from trees. It was a disaster. So, in that sense, the bag ban was good. But did we really change people's behaviors? No.

I can attest that no one in my restaurant brings their own bag, and it's so upsetting. I try so hard. I actually almost think guests get mad at me, because they come up and they want a bag for like the smallest thing. And I just look at them and I say, we're on a little island. I'm like, I can put it in some foil, or I can put it in some plastic wrap. They're like, no, I'm going down the hill. I need a bag to put it in. So, we're not changing our behavior.

Same thing with these containers. We're not changing our behavior, we're still throwing things out. I love Margie's idea, and I see she's here again, of this container. I want that container in my restaurant, Margie. That is a solution. That's what we need, we need to think out of the box. It's not easy. And I know I work a lot and I get trapped, and I'm not thinking out of the box. But, I want a container like that that can be washed and reused over and over again.

And it's not that we're not green. And I, I think a lot of people aren't here testifying because there's this feeling that if you're not for this ban, you hate Maui and you're against the environment. I'm trying to see the big picture, and I want to see behavior changes. It's the only way we're going to make a difference. And all these things that are exempted, you know, I just got something in the mail yesterday and I, it came with these two huge Styrofoam containers. And I threw them in my trashcan and I thought, well, if this ban goes in effect, they'll still be on the island and going in the ocean.

So, let's think out of the box and make the best choices for Maui. I don't think this ban is, is right at this moment. And I'm serious about donating that money. And let's all work together and start a Kickstarting fund.

CHAIR WHITE: Thank you very much, Ms. Jorgensen.

Members, any need for clarification?

COUNCILMEMBER KING: Chair. I, I just have a quick question.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Yea, thank you for being here. Did you, were you here when, at the last hearing when Gretchen Losano spoke? I think she's coming on pretty soon. But, she talked about her efforts to create that composting, and that she is looking to raise money right now. So, that might be a start for you.

MS. JORGENSEN: I think it's a great idea. But I also think that it should be a government-run composting station. It needs to be run by the government. We've seen what happens to healthcare when it's run by private industry. It really doesn't, I, I don't know if she's running a profit or anything. Gretchen, I, I commend you. I don't really know anything about hers. But, it is like a basic necessity. You know, healthcare is a basic necessity. Trash removal is a basic necessity.

And I, I think that it should be something that's easily accessible too. Like right now, the recycling isn't you know. And if it's not being picked up then again, it's not going to be composted. So, it's, it's a, I think it needs to be run by the government. And we can still grassroots spearhead it, and, but I really think it should be a, an island-wide government issue. And I commend anyone that wants to make a compost station. But I don't think that that would be the solution for all restaurants and hotels.

COUNCILMEMBER KING: Okay, well I disagree with your idea of having it run by the government. We've seen that happen before. I think a private enterprise can run things much more efficiently. Thank you.

CHAIR WHITE: Anyone else? Seeing none, thank you very much for being here this afternoon.

MS. JORGENSEN: Okay.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Gretchen Losano, to be followed by Lauren Blickley.

MS. GRETCHEN LOSANO:

Aloha. My name is Gretchen Losano. So, I have a couple of things that I want to address, because I think there's some misinformation, again, happening. I originally was just going to come up and thank you guys for being so diligent with this, and for passing this through. But I do think there's a couple things that need to be talked about.

So, first thing is the commercial composter. I do want to remind everyone that last year in Council, it was agreed upon that we needed regional commercial composting because of the fire ant problem. And so, that is the intention of this. We, we do need regional commercial composting sites. You know, whether it's in collaboration with the County, that's totally fine. But, it still needs to happen regionally. And our start date is going to be in October of this year. So, our composting operation will be well underway by the time that this bill is actually in, in existence really; December of 2018, which is, you know, that's a lot of time for restaurants.

The longest that I have ever heard of a place having back stock of, of foam containers is a year, and that's Kamehameha Schools. And, cause foam is, you know, it's pretty bulky and there's, you have to have a lot of, lot of warehouse space if you're going to have more than a year's supply. So, that's ample time for people to be able to run through their supply.

So, we will have a, a commercial composting operation. The compostable containers will be going into the commercial composting facility, at least with all the restaurants in the west side where our intention is to open up satellites around the island as well, so that there will be multiple commercial composting operations happening for sure by that time.

So, the second thing is this idea that the, the, the price list that you guys received last time was somehow not correct. That is absolutely not true. That price list was correct. And the reason why you had that price list is because I made a phone call, probably got somebody in trouble, but I wanted to give you guys an adequate understanding of what distributors are giving their regular customers.

Cause the first price list you guys got was for street pricing, which is basically like you can go into a Cash and Carry and, and anyone can just purchase sleeves of the product or cases, or whatever. And that, so that's the street pricing.

But, for restaurants that are in operation, they receive different pricing, which is why I requested that for you; so you guys could see what an, what an actual restaurant would be paying. And that was price lists from actual restaurants. They didn't give the names of them because, you know, there's certain point structure that gets certain restaurants this pricing. And they, you know, didn't want that to be disclosed, which is totally understandable. I probably asked for too much. But that's a very logical pricing.

CHAIR WHITE: You'll have to, you'll have to provide one, one--

MS. LOSANO: Wrap it up and--

CHAIR WHITE: --concluding sentence.

MS. LOSANO: One concluding sentence. If you're not getting that pricing for compostable products, you're probably getting ripped off, which is common with the greenwashing that is happening now that the green movement is very trendy. So, shop around to other distributors, cause they do have really good pricing.

CHAIR WHITE: Thank you, Ms. Losano.

MS. LOSANO: Okay.

CHAIR WHITE: Members, any need for clarification? Seeing none, thank you for being here.

Mr. Clerk.

COUNTY CLERK: Next testifier is Lauren Blickley, to be followed by Cheryl King.

MS. LAUREN BLICKLEY:

Aloha, Councilmembers. My name is Lauren Blickley. I just wanted to take a few moments to just thank you guys for, not only the support that you guys have showed this bill, but also all of the exorbitant amount of time. I see former Councilmember Victorino sitting here today. And you know, I was originally on his task force that started in 2014. And I know Marge and Gretchen have been working on this since 2011.

And, you guys have supported our task force. And you also hosted our, you know, panel that was here last Monday and Tuesday. And you've listened to hours and hours of testimony. And I think you've given this bill, you know, a really holistic look. And you've, you've listened to the merits of it. And I just wanted to say thank you all and thank you for all the comments you made.

You know, last time Councilmember Guzman said something that really stood out to me. And you said my children have never known a Maui, or never know what it's like to look up in a tree and see a plastic bag hanging in that tree. And that just really hit me, because I, I've grown up, you know, my 30 years on this planet have been surrounded by single-use plastics and a throwaway society, and a disposable society. And it's because of the, the decisions you guys are making and the bills you're passing that's, that really is setting a precedent for our future.

I wanted to share a really quick story. Last spring, I presented at the Ocean Sciences meeting in New Orleans. This is one of the largest meetings of ocean scientist internationally. And I shared the marine debris survey data, and also utilized that to show the success of our plastic bag bill, because we do not pick up plastic bags during our debris surveys here. And I can't tell you how many people came up to me after I presented and said, we, how, how can we be like Maui? We want to be like Maui. Tell me the first, what's the first step we have to take, because we're seeing the same issue in our backyard.

And so, I just want to remind you that the decision you make today, you know, again we've been talking about this for years. There's no need to delay anymore. The bill has ample lead in time. And I just want you guys to know that we are not only setting a precedent here in Hawaii, we are setting a precedent nationally and internationally.

And we, we have the really unique opportunity to be leaders. And, I just appreciate all of your knowledge and all of the discussion; sometimes quite robust, about this bill, and you know, just really moving this forward. And, and I know this is not the only solution. But it is a very important first step and there's still a lot of work to do. But thank you for taking this one step further. Mahalo.

CHAIR WHITE: Thank you, Ms. Bickley.

Members, any need for clarification? Seeing none, thank you for being here today.

Mr. Clerk.

COUNTY CLERK: Cheryl King.

MS. CHERYL KING:

Aloha, everyone. Good to see you all again. I just, I wasn't actually going to testify today because I know we just going to make this happen. But I just wanted to clarify that the state, couple statements that were made that we were not finding these exact products on the beach. And I want to clarify that we are finding these items on the beach; absolutely. I actually brought a bag that was down there in front of the display table last week at our awesome scientific committee; that was so fun that we got to do that. So, again, thank you so much for that.

And, yea, I invite you all to a beach clean-up. I will show you the evidence, and it's a problem. So, for us to do this is a huge step. And I just want to say thank you all; appreciate it.

CHAIR WHITE: Thank you, Ms. King. Any need for clarification?

Seeing none, Mr. Clerk.

COUNTY CLERK: Mr. Chair, there is no further individuals signed up to testify in the Council chamber. If there's any additional individual in the chamber or at the District Offices who would like to provide testimony, please identify yourself to the appropriate staff and proceed to the testimony lectern or the District Office conference call at this time.

Hana Office, are there any additional testifiers?

MS. LONO: The Hana Office has no one waiting to testify.

COUNTY CLERK: Lanai Office, are there any additional testifiers?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

COUNTY CLERK: Molokai Office, are there any additional testifiers?

MS. ALCON: There's no one here on Molokai waiting to testify.

COUNTY CLERK: Mr. Chair, there is no other individual in the District Office nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, we have received written testimony. Without objection, I'd like to receive it into the record.

MEMBERS VOICED NO OBJECTION.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM THE FOLLOWING WERE MADE A PART OF THE RECORD OF THIS MEETING:

1. Joy Gold, KYD, Inc.;
2. Christian Jorgensen, CJs Deli & Diner;
3. Lauren Blickley;
4. Lauren Zirbel, Hawaii Food Industry Association;
5. Chris Borden, Times Supermarket;
6. Ane Takaha;
7. Glenn Muranaka, Meadow Gold Dairies;
8. James Quine;
9. Aubrie (mermaidofhookipa@gmail.com);
10. Dyon Buitenkamp;
11. Yuri Cardenas;
12. Suzanne Frazer, Beach Environmental Awareness Campaign Hawaii
13. Dean Otsuki;
14. Ryan Christopher; and
15. Pamela Tumpap, Maui Chamber of Commerce.

CHAIR WHITE: Thank you, so ordered.

And without objection, we will close public testimony for today.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you, so ordered.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with ordinance for final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 127 (2016)
Draft 1

A BILL FOR AN ORDINANCE ESTABLISHING A
NEW CHAPTER 20.26, MAUI COUNTY CODE,
RESTRICTING THE USE AND SALE OF
POLYSTYRENE FOAM FOOD SERVICE CONTAINERS

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO PASS BILL 127 (2016), DRAFT 1, ON SECOND
AND FINAL READING.

COUNCILMEMBER KING:

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran, and a second from Ms. King.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. At its meeting of December 16, 2016, the former Council 2015 – 2017 term, passed Bill 127, "RELATING TO RESTRICTING THE USE AND SALE OF POLYSTYRENE FOOD CONTAINERS", on first reading.

And in accordance with a request from the Council during first reading, the Council held two public meetings to provide an opportunity to offer the Council more information, data, and scientific research for establishing a ban on the use of polystyrene food containers.

And during the meetings of May 8 and 9, the Council heard from industry experts, scientists, researchers, scholars, and environmentalists that provided the Council with a fair balance of information on the issue.

Accordingly, the Council voted to pass Bill 127 with certain amendments: 1) to revise the definition of polystyrene to focus the restriction on polystyrene foam food containers; 2) to include the term "foam" after every word "polystyrene" appears throughout the bill; and 3) revise the effective date of the ordinance to December 31, 2018.

So, as you may recall, at its meeting, December 16, 2016, the former Council passed revisions to the bill that would extend the polystyrene ban to food prepared and packaged outside of the County, and allow business owners to apply for exemptions based on a broader range of hardships. So, these revisions remain in this current bill.

The banning of polystyrene containers is trending throughout the United States. In fact, California alone has over 100 cities and counties that have adopted some form of polystyrene restriction.

Members, we have heard the experts, we have asked the questions, and most importantly, received testimony from our residents. I believe we have the knowledge, details, and scientific data to make an educated decision and to substantiate a valid public purpose for the approval of this bill. Therefore, I respectfully request the Members full support of this Bill 127 (2016), Draft 1. Thank you for that time, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Further discussion?

COUNCILMEMBER SUGIMURA: Chair.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

I WOULD LIKE TO MOVE TO AMEND BILL 127 (2016), DRAFT 1, SECTION 1, FIRST SENTENCE, BY INSERTING THE WORD "AND" BEFORE THE WORD "CONTRIBUTES", AND BY STRIKING THE PHASE, THE PHRASE, "AND IS A SUSPECTED HUMAN CARCINOGEN"; AND, IN THE SECOND SENTENCE BY STRIKING THE PHRASE "AND ITS PEOPLE," SO THAT SECTION 1 WOULD READ AS FOLLOWS: "SECTION 1. DUE TO ITS LIGHTWEIGHT NATURE AND ABILITY TO BREAK DOWN INTO SMALLER FRAGMENTS THAT PERSIST FOR DECADES,

POLYSTYRENE FOAM HAS SIGNIFICANT NEGATIVE IMPACTS ON THE ENVIRONMENT," THANK YOU, "AND CONTRIBUTES TO THE POTENTIAL DEATH OF MARINE ANIMALS AND AVIAN POPULATIONS THROUGH INGESTION."

THE COUNCIL FINDS AND DECLARES THAT, TO PROTECT THE COUNTY'S UNIQUE ENVIRONMENT AND THE HEALTH AND WELFARE OF ITS MARINE AND AVIAN LIFE, POLYSTYRENE FOAM FOOD SERVICE CONTAINERS MUST BE REGULATED.

VICE-CHAIR CARROLL:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR WHITE: We have a motion from Ms. Sugimura, with a second from Mr. Carroll.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I wanted to amend this bill. I had staff pass out some research that my staff did based upon the excellent presenters that were before us on May 8 and 9. And I believe these two presenters that you got the paperwork, the research on, were presenting on May 9. And they talked about polystyrene not being a, cancerous basically.

And Dr. George Cruzan, was a first presenter from ToxWorks. And he did say that we should amend our proposed bill, and, and look at that phrase which we're, which I'm proposing to take out, because it was inaccurate. And then our last presenter was Dr. Ruth Lunn, and she also said that polystyrene is not cancerous.

So, and, and I gave this information to the Members so that it could refresh your memories on the presentations that were done. So, that's my reason for amending this, Chair.

CHAIR WHITE: Okay, thank you, Ms. Sugimura.

Any further discussion on this item?

Mr. Carroll, followed by Ms. Crivello.

VICE-CHAIR CARROLL: Thank you. Thank you, Chair. I seconded this motion, and I'm going to support it, because I really support this bill. And there has been very conflicting testimony from experts on both sides. I do not want to see us pass this bill and then have it challenged.

This way, we, the environmental impacts are beyond question. I think anybody that has anything to do with the ocean, I've caught mahi with plastic in the stomach when we cut them and cleaned them. The environmental impacts are proven without question.

I don't think anybody could ever come before this Council or take legal action disputing this. However, the health benefits can be disputed, obviously are. We've heard all kinds of testimony. We've had Federal government say it's safe, on and on, and on.

I don't want this ordinance to end up in court, or have problems. The result for the people that are concerned about the health benefits is the same, because it won't be here. But it makes it to where it'll pass and we won't have problems with enforcing it, and making sure that our people are served and our environment is safe. So, I support this amendment. Thank you.

CHAIR WHITE: Thank you, Mr. Carroll.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Mr. Carroll said it all, you know. So, I too would support this amendment, especially when it addresses the possibility for the human too, and addresses it as cancerous. And is, you know, we, for us to put that there without, you know, scientific ongoing research, I think elimination or deletion of that protects us as Council.

And, I'm sure a fisherman will agree that they found all, finds all kinds of stuff, yea, in the intestines of the swallowing, and it's not only plastics or, or styrene, you know. Even find Tampax, you know, in the intestines of the deep-sea fishing.

So, I support Councilmember Sugimura's amendment to this bill. Thank you.

CHAIR WHITE: Thank you, Ms. Crivello. Any further discussion, Members?

Ms. Cochran, followed by Mr. Guzman.

COUNCILMEMBER COCHRAN: Thank you. Thank you, Chair. And yea, I am not in support. And so, I will read from Chapter 6.118, polystyrene foodservice where, Section 1, and this is some verbiage from Alameda County, but they cite words from our own EPA, United States Environmental Protection Agency. So, "Styrene, a component of Polystyrene, is a known hazardous substance and is classified as a possible human carcinogen by the United States Environmental Protection Agency."

So, our own EPA is saying these exact same words. And I completely support it here in our bill. And with that, Chair, if I may ask our Corporation Counsel, because this is signed off by Ms. Thompson, who is here. And I would think that she would not have signed off if she felt there was a potential negative impact to this body by, by supporting it. So, if there's a way to get Corporation Counsel to chime in on the words that they signed off on.

CHAIR WHITE: Yea, they, they can, it's legal for us to put anything they want in there. But, Corp. Counsel, go ahead.

DEPUTY CORPORATION COUNSEL RICHELLE THOMPSON: Thank you, Chair. And I would agree with your statement. The bill is signed off on as to form and legality. The basis for the bill, the human health or environmental impacts, those are policy decisions that are in your purview. So, you took in all of the information given by the experts to establish sufficient purpose to pass this legislation. And so, it's really within your purview to judge the weight and the accuracy of those expert opinions.

COUNCILMEMBER COCHRAN: Okay. Thank you. So, I'd like to weigh the, I guess not even opinions, these are from scientific data and research, and conclusions by scientists themselves over the plastics industry. So, those are the words that I'm going to stick to, is through our own EPA.

And, I also stated, would like to state from the National Academy of Sciences Reports. "Styrene Reasonably Anticipated to Be a Human Carcinogen. The substance can be classified as reasonably anticipated to be a human carcinogen based on sufficient evidence in animals or limited evidence in human studies."

So, those are some actual reports, words from some reports by the National Academy of Science, Sciences. And, these, and I have more. But these are all scientific data, and researched by the experts in the field. Thank you, Chair.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. I guess in, in reality, you have competing opinions. And of course you're going to have one expert saying one thing and the other expert saying another. But, what I got out of Mr., I guess Dr. Cruzan's testimony or his explanation is that there are two components, the polystyrene and the styrene.

And, apparently they did studies on mice and they were found to have lung tumors. Based off of the mice having an 2F2 chromosome site. And I remember asking the question, does that site pertain to human beings. And, it was unclear as to whether some humans did or did not. I wasn't quite sure whether it was an affirmative or he was dancing around the question.

The, the other question I had was, was the 2F2 chromosome site displayed in ocean animals. And he affirmly said he didn't know. So, that questions, to me, it does affect, it may affect ocean animals. It may or may not affect humans who probably do not display that chromosome site.

So, it, it's very competing. It's very convoluted. I would just say if we could use the language in a more simplistic form, it may cause, using the language, it may cause health effects in using the word "may", as a counter-proposal of Ms. Sugimura's language.

CHAIR WHITE: Well, we have the motion on the floor at this point. Unless, Ms. Sugimura wants to amend that.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair.

CHAIR WHITE: Or do you have anything, any, wait, hold on. Do you have anything else, Mr. Guzman?

COUNCILMEMBER KING: Oh.

COUNCILMEMBER GUZMAN: No. I don't have anything else. It's just, it, it's right down the middle, because we don't know. It may or may not. So, the word "may" could be the language to resolve this issue. Thank you.

CHAIR WHITE: Yea. I think, I believe the issue that we're dealing with is that the statements were that styrene is a possible carcinogen, but polystyrene is not the same as styrene. And there is some, some styrene transfer, whether it was identified, but one of the reasons we brought the, the scientists in is because it was, the comment was made that once the styrene is made into polystyrene, the styrene is inert. I wanted to find out what the, you know, what the facts were. And the facts are, in my recollection, that the polystyrene has some free styrene in it, but the leaching into foods is relatively insignificant compared to a lot of other. Styrene is in food, it's in the air, it's in lots of things. So, again--

COUNCILMEMBER GUZMAN: And, may I?

CHAIR WHITE: -- as Corp. Counsel says, it's a policy decision.

COUNCILMEMBER GUZMAN: And, and, and in order for it to be more susceptible, you would need that 2F2 chromosome site. That's what I got out of the rat study, so, I mean, the mice study. But, so, if you have that chromosome site, then you'd probably be more susceptible to some kind of carcinogen or some health effect. I wouldn't say necessarily carcinogen, but some health effect.

CHAIR WHITE: Right.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I, I'm, I speak against the motion. And I think this language is fine. It says suspected human carcinogen. It doesn't say it is a human carcinogen. So, to me, that's the same as the word "may".

The, what I, what I got out of the presentations and we had a lot of scientific evidence on both sides. Our own researcher brought in information from the EPA, that did say it was a suspected carcinogen. But, but most of the, most of the research against this came from industry. And so I think that's another point to be made that, that a couple of people who gave those testimonies make their living, you know, with styrofoam. So, I'm, so I think the jury's out. And, and my point is that saying it's a suspected human carcinogen is very accurate, because it is suspected. It's suspected by some science, scientists. It's not suspected by other scientists.

But, I don't, I don't favor going back and redrafting this bill at this point. I think we've been, we've looked at it carefully. We've been over and over it. I see there's another attempt to, there's another proposal that's probably coming to change the date as well, which I think could probably send this back into Committee again. And, I'm for, for one ready to pass this out, and, and get on with this, and not spend another day

that we don't have to putting thousands of pounds of this, this hazardous material into our atmosphere. Thank you.

CHAIR WHITE: Yea, this, this bill is not going to return to Committee.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I just wanted to, the EPA statement, EPA is saying that styrene is carcinogous, but polystyrene, which is what we're talking about today is not. And that's what we got from the, that's what my staff gathered by reading through the material, and, and listening to the testimony that were presented by Dr. Cruzan, as well as Dr. Lunn. So, that's what I'm basing it on. It's just a removal of even what Dr. Cruzan said, we should look at our policy and remove that statement, because he, he suggested that it was inaccurate. So, I'm just trying to, you know, I'm just trying to make it into a statement that is correct.

And, I, I do have another motion about the date. And I can talk about it then, but at that, I'll, I'll wait for my comments about that till that time. Thank you, Chair.

CHAIR WHITE: Okay, thank you.

Mr. Atay.

COUNCILMEMBER ATAY: Yea, Chair. My main thing, one is I'm not in support of the current motion. However, my question would be back to Corp. Counsel is primarily what, the bill that was written that you, Corp. Counsel folks, looked over and approved, where does it put us, the County, legally?

CHAIR WHITE: Are you suggesting with respect to the statement whether it's a carcinogen or not? Or are you speaking broadly about the bill?

COUNCILMEMBER ATAY: In, in, in regards to what Member Sugimura was trying to address.

CHAIR WHITE: Okay.

COUNCILMEMBER ATAY: But, just looking at the bill as it sits, and the statement that it has, where does it keep, put us legally?

CHAIR WHITE: Corp. Counsel.

DEPUTY CORPORATION COUNSEL: Thank you, Chair. And, so, what, what I'm hearing from the question is basically are litigation risk.

COUNCILMEMBER ATAY: Right.

DEPUTY CORPORATION COUNSEL: And, given some of the statements in the bill's purpose, I can't get into the specifics of litigation risk unless we go into executive session, and then we can talk about that much more thoroughly. But, generally to overcome a commerce clause challenge, the basis for your law, that does affect interstate commerce. It needs to have sufficient public purpose. And so, the public purposes that you're identifying would be potential impacts on either humans or the environment or wildlife.

COUNCILMEMBER ATAY: And so with that understanding, Chair if I may.

CHAIR WHITE: Sure.

COUNCILMEMBER ATAY: Understanding that, so, impact on environment, I'm pretty sure we're there. But an impact on social health, how, is how this is written, are we protected from litigation?

CHAIR WHITE: I'm not sure she can go that far. You can go as far as you feel you can.

COUNCILMEMBER ATAY: Because if not, I'm also understanding of what Member Guzman was saying, was like just changing it, the word into "may", you know.

CHAIR WHITE: Corp. Counsel.

DEPUTY CORPORATION COUNSEL: Thank you, Chair. In general, so, like I said if we want to get into too much of the nitty gritty on litigation risk, we need to do it in executive session. But, I, I think that this Council and all the Members have done a very, very good job in making a thorough record as far as the public purposes that you have all identified as your purpose for the legislation. So, I think that you've heard both sides. You know, there are people that are, you know, great minds that can disagree on whether or not there are human health impacts. And I think you've heard a lot more information and data regarding the environmental impacts.

COUNCILMEMBER ATAY: Okay. Thank you.

CHAIR WHITE: Any further discussion?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, thank you, Chair. So, the comment from United States Environmental Protection Agency is saying styrene is a component of polystyrene. So, poly, whichever way, I mean, styrene is in it, period, and is a known hazardous substance.

And another science-based journal, Journal of Environmental Science, Sciences, Science Direct, highlights that the fact that styrene can adversely affect humans in a number of ways raises serious public health and safety questions regarding as a build-up in human tissue and the root cause of this build-up. So, it's, it's stating and it goes on and on, I don't want to read it all. And it's just stating that there is, again, scientific data, styrene is a contaminant in all polystyrene foam packages.

So, considering the importance of toxic effect of styrene and its leachability in food materials in water from polystyrene, the present studies were conducted. And I'm just pulling out highlights, Chair. The quality of Styrofoam cups is also important in leaching of styrene monomer, the negative toxic stuff.

COUNCILMEMBER HOKAMA: Point of order, Chair.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Control your meeting, please.

COUNCILMEMBER COCHRAN: Thank you. In almost all type of polystyrene material, styrene monomer and some related aromatic compounds were leached into water. And their main conclusion, I think this is a good point to make at this time, considering the toxic characteristics of styrene, which is in polystyrene, leaching into water and other products, polystyrene materials should be avoided for food packaging, especially polystyrene rigid and foam cups should not be used for hot drinks.

So, this is a multiple page report from, again, scientists and studies they've done, and conclusions. So, I continue to stand by my stance on this amendment, and not supportive. Thank you, Chair.

CHAIR WHITE: Okay. Thank you, Ms. Cochran.

Any further discussion?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: I think we have a good bill before us, that we all support it. I believe that's how we came about it. However, you know, looking back on the presentation, some of, some of it was quite conflicting and some of us that's how we made the decision. And I can support the amendment, but I think what Councilmember Guzman offers, to me, sits like a compromise that it, you know, just think of everybody who is eating their lunch, lunches or takeout orders with the polystyrene, they going get stress thinking my goodness, what was happened. But, there, there's nothing that proves that, because it says here that it should not be confused, polystyrene should not be confused with styrene.

And, I, I think that's, I believe that's where Councilmember Sugimura is coming from on the policy that we create here will just add that kind of confusion. I, I think overall everything and, and I, I would have to lean towards what Councilmember Guzman is saying if what Ms. Sugimura is saying it adds some sort of conflict among us. So, hopefully we can come to some compromise so we can push this forward.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. My support for the amendment was just because of the discussion we're having right now. Also, last I checked the EPA has not banned the containers, and the use of. And all these organizations that say may have adverse effect, but you'll notice that there is no health-wise ban that has come down. It's still debatable. We can debate over here all night. And that is why I supported the amendment, because that makes it really clear. And, for the people that are concerned for health, it has the same result. But, it makes it to where we don't have discussions like this. It can happen between now and implementation, and heaven knows what happens. It's a good bill. The amendment makes it better. Thank you, Chair.

CHAIR WHITE: Thank you. And, you know, the Chair will just say that I support the amendment, because I think it clarifies. I also feel that this bill is likely to come back at some point before the effective date.

The Chair doesn't feel that we have gone far enough. As I stated in the last meeting, the visual of Styrofoam, and the, the fragile Styrofoam cooler flying out of the back of somebody's truck and getting hit by the next car, that causes me a lot of heartburn, because those, those pieces fly everywhere. We've all followed cars or trucks with packing peanuts flying out of the back. Those too are, in my view, both of those items are more likely to end up in the ocean than these food containers. So, you know, I, I think we've got a, a good measure.

And I give Ms. Cochran credit for bringing this forward and pushing it. So, while I'm, you know, I'm very much in support of this amendment, I'm also in support of the bill and getting it out today, and with the understanding that it's likely to come back again at some point before the effective date for some additional, additional restrictions.

So, anyway, I think we've had a solid discussion on this. So, I'm going to call for the vote. I think based on the, the variety of feelings, we'll go ahead and, and go for a roll call vote.

Mr. Clerk.

COUNTY CLERK: Councilmember Alika Atay.

COUNCILMEMBER ATAY: Chair, what are we voting on?

COUNTY CLERK: The amendment.

COUNCILMEMBER ATAY: The amendment?

CHAIR WHITE: Okay, what we're voting on is whether you agree to take, take out the phrase "and is a suspected human carcinogen", and take out the phrase "and its people". So, we're voting whether or not to amend the bill, not voting on the bill itself.

COUNCILMEMBER ATAY: Okay. No.

CHAIR WHITE: Everybody clear? Okay. Thank you.

COUNCILMEMBER COCHRAN: Chair. Sorry, Chair.

CHAIR WHITE: No, I've called for the vote.

So, Mr. Clerk.

COUNTY CLERK: Mr. Atay, excuse me, your--

COUNCILMEMBER ATAY: NO.

COUNTY CLERK: Thank you.

Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: AYE.

COUNTY CLERK: Councilmember Elle Cochran.
COUNCILMEMBER COCHRAN: NO.
COUNTY CLERK: Councilmember Riki Hokama.
COUNCILMEMBER HOKAMA: AYE.
COUNTY CLERK: Councilmember Don S. Guzman.
COUNCILMEMBER GUZMAN: NO.
COUNTY CLERK: Councilmember Kelly T. King.
COUNCILMEMBER KING: NO.
COUNTY CLERK: Councilmember Pro Temp Stacy Crivello.
COUNCILMEMBER CRIVELLO: YES.
COUNTY CLERK: Council Vice-Chair Robert Carroll.
VICE-CHAIR CARROLL: AYE.
COUNTY CLERK: Council Chair Mike White.
CHAIR WHITE: AYE.

AYES: COUNCILMEMBERS CRIVELLO, HOKAMA,
SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

NOES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN,
AND KING.

COUNTY CLERK: Mr. Chair, five "ayes", four "noes".

CHAIR WHITE: Okay, the amendment passes.

Any further discussion, Members?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I have, I would like to make another motion.

AND I WOULD LIKE TO MOVE TO AMEND THE EFFECTIVE
DATE OF THE BILL 127 (2016), DRAFT 1, FROM
DECEMBER 31, 2018, TO JUNE 30, 2019.

CHAIR WHITE: Is there a second.

COUNCILMEMBER CRIVELLO:

SECOND, FOR DISCUSSION.

COUNCILMEMBER GUZMAN: Can you repeat the amendment? I didn't hear the date.
Sorry.

COUNCILMEMBER SUGIMURA: Oh, so I'm moving--

CHAIR WHITE: Could you repeat the, repeat your motion please.

COUNCILMEMBER SUGIMURA: Okay, I move to amend the effective date of the bill--

CHAIR WHITE: Move the, move your microphone a little closer.

COUNCILMEMBER SUGIMURA: Oh, sorry about that. I move to amend the effective date
of the Bill 127 (2016), Draft 1, from December 31, 2018, to June 30, 2019.

CHAIR WHITE: Okay, we have a motion from Ms. Sugimura, and a second from
Ms. Crivello.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, the reason that I'm making this motion is, since initial
passage of the polystyrene bill I received many phone calls, and had many
conversations throughout the business community relating to the concerns over the
bill.

I understand the contents of the current bill as a compromise, and it is not an outright
ban of all polystyrene, but only applies to expanded polystyrene, or polystyrene foam.
I believe it headed in the right direction in this case, however, there are many
businesses who currently only use expanded polystyrene containers as we saw, you

know, in our, some of our testifiers and heard from our testifiers, to serve their customers.

Many of us underestimate the time and effort it takes to transition away from a product that has been used for many years. In my mind, it's easy for us to make a snap decision. And in, in these times that sometimes we, there are unintended consequences. And sometimes we sit in this Chair, and we make decisions, and there are people out there working hard with, with the small businesses, you know. And I appreciate those that came to testify to, to share their concerns, and I hear their agony and understand, you know, what they're saying.

But I believe in fairness. Business needs to take time to first evaluate what alternatives are viable for them. And they may even have to seek out a new vendor or deplete their old stock.

When the plastic bag ban was signed into law back in August 2008, the Council gave businesses until January 11, 2011 to comply, which I believe was a fair time frame. This is approximately, approximately 28 months, or over 2 years. Keeping this in mind, I believe giving businesses the same leeway is a comprise, as under my amendment this bill will give businesses approximately 24 months to comply; less time than the plastic bag ban.

Many restaurant owners are busy, and I really support small businesses. I understand how hard it is to run a business, cause I had a small business for many years. And there's a lot of burden to comply with many regulations, both from the County and the State.

We are a model that helped our community in a period, period of transition, and it is important that we do not rush into a scenario that we can easily remedy today. Government must be fair and equitable, and of course, if businesses want to start complying earlier, they are more than welcome to do so.

(Councilmember Crivello was excused from the meeting at 5:52 p.m.)

COUNCILMEMBER SUGIMURA: Chair, that is the reason for me asking for this extension of the date to be actually to June 30, 2019. I also want to state that I did call the DOE, which made me think, which is why it made me think about this. DOE has 33 schools, of which I asked them, do they have polystyrene foam in their, in their list of items to purchase for the schools. The schools have a total of 23,148 students in the DOE system within Maui County. One of the testifiers today mentioned that Kamehameha School has a one-year supply of, of materials in their inventory.

As I just thought in fairness of all aspects of the community that this might be a consideration to give businesses time to deplete their inventory, and really out of consideration for small businesses who maybe not be able to be here today. But I wanted us to know that we do remember how hard they work, and they are a big part of what makes our, our government, our County very special, and I wanted to speak out in their behalf. Thank you.

(Councilmember Crivello returned to the meeting at 5:53 p.m.)

CHAIR WHITE: Thank you, Ms. Sugimura.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Mr. Parsons, when he came over here and gave testimony, and we've had other people talk about stock and how long it takes, he said a year and a half is more than enough time for businesses to get rid of their stock and do the conversion.

When I supported the first bill, it was because of the strong environmental concerns. One and a half years is more than enough time for schools and everybody else and businesses to make the conversion. Nobody has that much in stock, no one.

And we knew by passing that first amendment, this Council is recognizing the environmental concerns and the environmental impacts. So, I would not support this. I think that a year and a half is more than sufficient. And extending a time further than that, I think would be detrimental to our environment and will accomplish nothing as far as businesses and schools and everything else doing the conversion. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion, Members?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And yea, I, it's hard for me to swallow that we're making a snap decision. This was presented back in 2009. This has been around a long time. And Mr. Victorino is here; he was the original introducer. I mean, we went through years of vetting through this to get to the point that we are here today. So, I, to me, that's not an accurate statement.

So, last, last meeting, we took into consideration the concerns of the body at that time. And, I wanted to do my due diligence to make sure that we are not harming any local businesses that Ms. Sugimura is, is seeking to protect with this amendment. And with our December 31, 2018 effective date, I wanted to make sure that 19 months would be enough time to deplete their inventory and not cause a zero use rubbish, which would be much worse than one-time use rubbish.

And one of my staff members called 21 businesses on Maui. My staff was literally laughed at when she asked if 6 to 19 months would be enough time for them to use up their back stock of polystyrene foam inventory. One owner asked my staff to imagine the space 6 months' worth of plate lunch containers would take up.

And, I'll tell you the places that were called: Sam Sato's; Ichiban; Aloha Mixed Plate; Eskimo Candy; Tasty Crust; Paia Fish Market; Honokowai Okazuya; Sansei's; Fish Market Honokowai; Bale; Da Kitchen; Slappy Cakes; Tokyo Tei; Nagasako's; Star Noodle; Geste Shrimp; Local Food; Café Café; Mama's Ribs; Maui Tacos, all three of them; Amigo's. So, each and every one of these 21 businesses said they receive weekly deliveries by Maui Chem or Morrad, except L&L who does receive every two weeks, and Tasty Crust once a month.

Of the businesses surveyed, none, not one of them have the storage capacity to store 19 months' worth of packaging, let alone 6 months' worth. Retail space is expensive, not to be wasted on storing stuff. The only known location that has back stock for a year is Kamehameha School's Maui Campus. And I know back in the day when I went to school, we had to wash those trays. I was even surprised they didn't even do that anymore.

So, if for some reason there happens to be any, any whatsoever entity out there that cannot use up their entire stock before December 31, 2018, effective date of this bill, there exists currently in this language within the bill for hardship exemptions. So, if there is stock issues or price issues, they only need to apply for that exemption.

Therefore, I would strongly encourage this body to support the bill without any further amendments that will cause any further delay to this legislation that we have really, really worked hard on. And thus, and the public too, who's spoken very clearly as they, as to what they want to see here today. And as you stated yourself, Chair, that it can come back and we can amend as we go. But, I just wanted to highlight that hardship clause that is in it. Thank you.

CHAIR WHITE: Yea, I've actually had calls from small business people saying that we should eliminate the hardship clause so that everyone has to deal with the same thing.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. I understand where my colleague, Councilmember Sugimura, is coming from. But, I would have to go on the basis that I think we, we're providing enough time with the extension that's existing in the bill. And if we have a hardship exemption clause, that will allow the inventory to be. But, I think what we have should, should suffice. And that's just my opinion. Thank you.

CHAIR WHITE: Any further discussion, Members?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Guzman, followed by Ms. King.

COUNCILMEMBER GUZMAN: Yea, thank you, Chair. I also would agree with Ms. Crivello and Ms. Cochran. In fact, the hardship provision, Section E of 20.26.050, I was able to amend it to the language it is currently now. So, it provides, I feel it provides plenty of leeway for those companies who are, cannot afford or have some kind of situation in which they cannot find an alternative, I guess, material to purchase at a hardship. So, I believe they, they would have to submit that type of request to the director. And it would be the director's discretion.

So, I also would, I also appreciate Ms. Sugimura's, I guess argument on the comparison to the plastic bag ban. And that is very compelling as well, because we gave them 20, what's it 24, 19 months, or more than what we're giving them now.

But, I, I feel that the hardship provision is there, and it can be utilized. So, there is a safety net for those that need it. Thank you.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I speak against the motion as well for many of the same reasons that my colleagues have brought up. I did want to address the, the concern about this being a snap decision as well. Because, I've been testifying on this bill for at least three years, before I ever got on this Council, in favor of moving this forward.

I also testified on the plastic bag ban, and I thought that was an exorbitant amount of time to give to enact that bill. But, but I think the real, the real proof is in the pudding in how successful that bill was. Now that we're, a lot of us are, are more green and, and understand the other materials that are available, I don't think we need that long lead time. And that was a pretty groundbreaking piece of legislation.

And, and I think this legislation too, doing this is probably going to affect the other counties in the State. I know the Big Island, a friend of mine who's on the Council has already asked me for a copy of our bill, because they want to follow suit, and they want to address this issue too, and do their part to alleviate their part of that 65,000 pounds a day. And I, and I also wanted to make the point that, that we're talking about 65,000 pounds in statewide in Hawaii per day of polystyrene, which is a lot of bulk, because it's a lightweight material.

For 6 extra months, that would be, that's, statewide that's 11,862,000 pounds. Maui's portion of that, that we contribute in our 11.5 percent of the State population is 1.364 and some change pounds, for that 6 months. And I think the sooner we, we stop putting that into the atmosphere the better.

So, I hope we can get passed this, and then just move this bill forward. Thank you.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR WHITE: Thank you, Ms. King.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, nothing major, but you know, normally when Council passes ordinances, the first day of the month or the year is the normal startup or the effective date. We usually use the last day of the month or the year for the sunset or the termination date, so I was just wondering why we chose December 31 instead of January 1? Is, is there a magic to December 31? I, I, it's just a question that I have. And you know, if--

CHAIR WHITE: It's to control all the stuff that happens on New Year's Eve.

COUNCILMEMBER HOKAMA: Good luck.

CHAIR WHITE: Any further discussion?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I'll withdraw my, my motion. I can hear my Councilmembers loud and clear. I really just wanted to speak up for small businesses as we take this next step. And I, excuse me, I didn't mean to make any of the returning Councilmembers think that Councilmembers or my colleagues think that I didn't understand that they were working on this before. But, I was just looking at it from the day it passes forward, not what was done in the past from former Councilmember Victorino, who is with us today, and everybody else who's worked on this. But, I withdraw my motion. I hear loud and clear.

CHAIR WHITE: Thank you. I was, I was actually kind of looking forward to you going through what I think all of us former, Members that have been on the board for a while, we've all had motions that we've made that we've lost 8 to 1. So, I was just hoping that you'd get your initiation over with today.

COUNCILMEMBER COCHRAN: Oh, yea.

CHAIR WHITE: And they're very memorable motions.

COUNCILMEMBER COCHRAN: Yea.

CHAIR WHITE: We're, we're not going to amend it to suit, you know, one day.

COUNCILMEMBER SUGIMURA: What an interesting thought, though.

CHAIR WHITE: Okay, I think we've had enough, oh, since you've withdrawn your motion, is there any, we're back to the main motion? Is there any further discussion on the main motion?

Seeing, Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. I apologize. I, it's almost like let's lead into a commercial but, anyways, for the suspense. But I, I wanted to point out that I did an additional inquiry as to the pricing.

CHAIR WHITE: As to the what?

COUNCILMEMBER GUZMAN: As to the pricing of the materials, and so--

CHAIR WHITE: If you don't mind, we've, I think we have all heard so many different variations on the pricing.

COUNCILMEMBER GUZMAN: Right, yea.

CHAIR WHITE: I've done my own, with my own--

COUNCILMEMBER GUZMAN: Well, I just want to be able to state at least my rationale to it.

CHAIR WHITE: Okay, go for it.

COUNCILMEMBER GUZMAN: And, and in doing, in getting this additional information, I just, you know, I'm fairly confident that the, the fiber is less than the foam, according to the information that I've gotten. And this is not using the information that was given to us during the Council meeting. This is additional information that was, I was able to obtain within the 24 hours. Thank you.

CHAIR WHITE: Okay. Thank you.

Any further discussion, Members, on the main motion? All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk. I don't think we have anything else on our agenda.

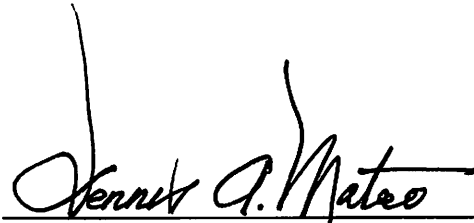
COUNTY CLERK: Mr. Chair, there is no further business before the Council.

CHAIR WHITE: I want to thank everyone for coming today. And I want to thank you, Members, for staying around after our normally scheduled meetings.

And with that, we are adjourned.

ADJOURNMENT

The special meeting of May 18, 2017 was adjourned by the Chair at 6:06 p.m.

A handwritten signature in black ink, reading "Dennis A. Mateo". The signature is written in a cursive style with a long, vertical stroke extending upwards from the letter 'D'.

DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII



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Maui County Council

May 18, 2017 – 4:30 p.m.

Bill 127draft 1

A Bill For An Ordinance Establishing A New Chapter 20.26, Maui County Code, Restricting the Use and Sale of Polystyrene Food Service Containers

Testimony From: Joy Gold

Position: Oppose

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COUNTY CLERK

Chair White and Members of the Maui County Council:

Dexter Yamada is President of KYD Inc, doing business as K Yamada Distributors. Joy Gold is a consultant to Dexter Yamada and KYD, Inc a locally founded, family run business in Kalihi since the 1940's as a florist and a supplier of florist supplies. In 1958 KYD evolved into the packaging company of today and later expanded into a distributor of many other fine products. Today, KYD, Inc and its sister company, Hawaii Foam Products, LLC, employ about 90 employees and contribute to Hawaii's economy through taxes and payroll. The companies manufacture and distribute food packaging materials and distribute a variety of supplies for food processors, food establishments, supermarkets, hotels, hospitals and other institutions.

Appreciation is expressed for the two-day hearing of various experts that have given reasons to pause if not oppose this proposed ban:

- 1) Polystyrene is safe and it is not a carcinogen (George Cruzan, PhD; Ruth Lunn, Dr. PH, NTP; FDA):
 - Polystyrene is different from styrene, which is found in our bodies in minute amounts through the air, foods like cinnamon, beer, strawberries and car exhaust;
 - Polystyrene is approved for use in contact with food;

- 2) Ocean debris is comprised of a large variety of plastics from unknown specific sources and more study is needed to identify how much is from polystyrene foam containers (Megan Lamson, Cheryl King, Hilary Young, Douglas McCauley):
 - Styrofoam packing material, insulation, and coolers and ice chests which are not subject to ban are much of the "white foam" seen in ocean debris photos;
 - 65,000 lbs of PS (polystyrene) cited is meaningless without context and understanding of how it is substantiated; UC-SB Professor admitted that it is not the amount produced daily in Hawaii. If this much PS is used daily, then numbers for paper would be 2-3X more based on the weight of paper items, causing landfills to fill more quickly due to its density.
 - Scientific paper about microplastic particles in larval fish (Oona M. Loonstedt and Peter Eldov) has been retracted by the Board of Ethics due to scientific dishonesty (see attached)

- 3) Cost, of which a VIP price list was circulated, and later corrected, does not reflect industry trends. Food operators, public and private schools, senior congregate dining and Meals on Wheels programs must pay in advance by the cases and not by one container at a time. It means thousands of dollars in added expense that come out of razor thin business margins or fixed budgets. Examples of cost comparison trends are:
 - California's Restaurant Association (see attached)
 - Price Comparison: World Centric, Bridge-Gate, Dart BARE, and Dart Foam Containers (see attached)





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Many small business operators do not testify because they are working, and some fear retaliation for opposing compostable products. Immediate beneficiaries from the mandate to use only compostable products are World Centric, Styrophobia, Sustainable Island Products; the list goes on.

Despite this information, the Council is inclined to pass the ban on PS food containers, effective December 31, 2018. As such, the Council is urged to evaluate quantifiable environmental and economic impacts of changing to alternative products in its 2021 review of this ordinance.

Thank you for the opportunity to provide this testimony.

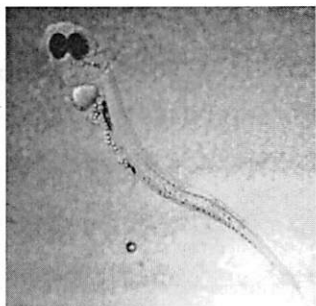


RESEARCH INTEGRITY

Paper on microplastics in fish is retracted

Ethics board says case is one of 'scientific dishonesty,' but authors disagree

Last June, C&EN covered a paper in *Science* showing that polystyrene microplastics from personal care products ingested by perch could "inhibit hatching, stunt growth, and boost predation" of the fish (2016, DOI: 10.1126/science.aad8828). The paper has now been retracted.



This larval perch was said to have ingested polystyrene microplastic particles. Larvae are approximately 8.35 mm long on average.

After Oona Lönnstedt and Peter Eklöv of Uppsala University published the study, seven researchers filed a complaint with Uppsala, claiming missing data, statistical design and analysis problems, and discrepancies between how the researchers said they carried out the study

and eyewitness accounts of the experiments.

A university-convened panel of researchers concluded on Aug. 31 that no evidence of research misconduct existed. At about the same time, Lönnstedt and Eklöv reported that a computer containing data from the study had been stolen and there was no backup.

The university also asked Sweden's Central Ethical Review Board to consider the complaint.

On April 21, the board

decided that the authors' responses to questions were deficient and contradictory, that they had failed to get required animal

ethics approval, that the data loss suggested the research had not been conducted to the reported extent, that *Science* should not have accepted the paper, that the Uppsala panel appeared to have missed evidence of research misconduct, and that the authors were "guilty of scientific dishonesty." *Science* retracted the paper on May 3.

Lönnstedt and Eklöv tell C&EN that they did get the required animal ethics permit and have documentation, that they responded straightforwardly to board inquiries, that the loss of data "was an unfortunate mistake and not dishonesty," and that board deliberations were compromised by publicity about the case, including on social media, by researchers who had filed the complaint.

Chelsea M. Rochman of the University of California, Davis, an expert on fish exposure to microplastics, comments that she doesn't believe the retraction will hurt the field. But in general, she says, "the whole situation is a shame. Unethical research activities do not help the credibility of science."—STU BORMAN

CREDIT: OONA LÖNNSTEDT

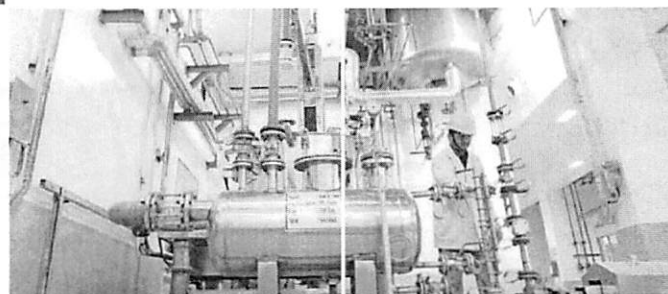
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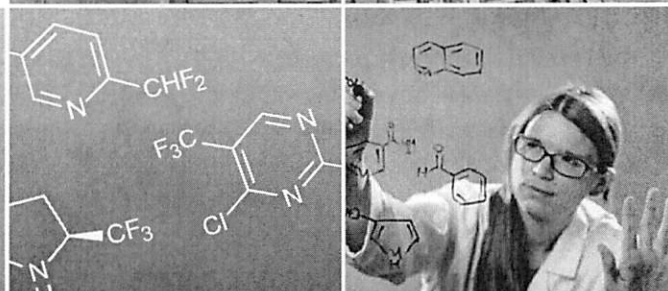


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California Restaurant Association Disposable Serving Pieces Assessment

Assessment Overview

RetailData assessed availability and price of Disposable Carryout Products across alternative materials.

Methodology

RetailData, LLC performed in-store audits and transcribed images of Cases, Packages, and in-store Shelf-tags related to restaurant disposable serving products.

Product images were captured in Sam's Club, Costco, Jetro, Restaurant Depot, and Smart & Final Retail locations in the Los Angeles, CA area.

Specific products captured and assessed:

- 9 Inch Food Containers
- 9 Inch Disposable Plates
- 16 Ounce Cups And Lids designed to contain Hot and/or Cold Liquid Temperatures

A distribution of 18 unique brands and manufacturers were assessed across this assortment of products.

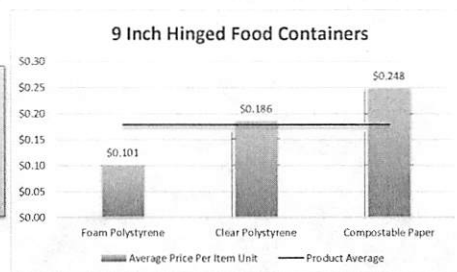
Market Price Insights

9 Inch Hinged "Clamshell" Food Containers - Foam Polystyrene Lowest Market Average Price

Foam Polystyrene Hinged "Clamshell" Food Containers found to have the lowest market average price of 10.1¢ per container.

Clear Polystyrene Containers found to have a market average price of 18.6¢ per container - 84% more expensive than Foam Polystyrene.

Compostable Paper Containers were the most expensive material with a market average of 24.8¢ per container - 145% more expensive than Foam Polystyrene.



9 Inch Disposable Plates - Foam Polystyrene Lowest Market Average Price

Foam Polystyrene Plates found to have the lowest market average price of 3.4¢ per plate.

Laminated Paper Plates found to be the most expensive at 6.1¢ per plate - 129% more expensive than Foam Polystyrene Plates.



16 Ounce Disposable Cups and Lids

In assessing cups, both the type of material and liquid temperature capability (hot vs cold) were compared.

As Foam Polystyrene Cups are designed to hold a wide range of liquid temperatures, comparisons were made using Foam Polystyrene market average price as an index.

Cups and Lids for Hot Liquid Temperature Capability

Foam Polystyrene Cups found to be the lowest priced material at 3.5¢ per cup.

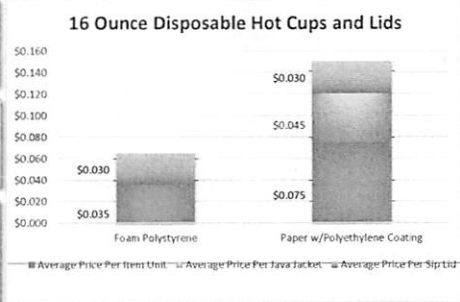
Alternative **Paper Cups with Polyethylene Coating** found to have an average market price of 7.5¢ per cup - 112% more expensive than Foam Polystyrene.

An incremental cost of 4.5¢ per serving would be added for **Paper Cups with Polyethylene Coating** to separately purchase **Corrugated Java Jackets/Cup Sleeves**.

Foam Polystyrene Cups are fully designed for hot temperatures, not requiring jackets.

An additional cost of 3¢ per cup would be incurred to separately purchase **Cup Lids** for 16 Ounce cups designed for hot liquid temperature capability.

Total Price Foam Polystyrene Cup + Sip Lid: 6.5¢ per serving
Total Price Paper w/Polyethylene Coating Cup + Java Jacket + Sip Lid: 15.0¢ per serving



Cups and Lids for Cold Liquid Temperature Capability

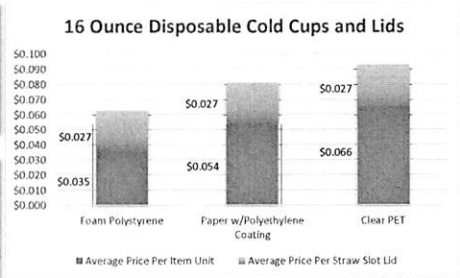
Foam Polystyrene Cups found to be lowest priced material at 3.5¢ per cup.

Paper Cups with Polyethylene Coating found to have an average market price of 5.4¢ per cup - 54% more expensive than Foam Polystyrene.

Clear PET Cups identified as the most expensive material at 6.6¢ average market price per cup.

An additional cost of 2.7¢ per cup would be incurred to separately purchase **Cup Lids** for 16 Ounce cups designed for cold liquid temperature capability.

Total Price Foam Polystyrene Cup + Straw Slot Lid: 6.2¢ per serving
Total Price Paper Cup w/Polyethylene Coating + Straw Slot Lid: 8.1¢ per serving
Total Price Clear PET Cup + Straw Slot Lid: 9.3¢ per serving



BRAND	World Centric item/Price per M (Compostables)	Bridge-Gate item/Price per M (Compostables)	Dart BARE item/Price per M (Post Consumer Fiber)	Dart FOAM HINGED Item/Price Per M (Polystyrene Foam)
6" Hinged Fiber Container	CS-U15B/82.50m	ECO-6HW/115.55m	HC6SC/133.03m	60HT1/55.32m
8" Hinged Fiber Container 1 comp	SC-U85-3/158.97m	ECO-8HW/211.55m	n/a	80HT1R/112.70m
8" Hinged Fiber Container 3 comp	SC-U8T/158.97m	ECO-8-3HW/212.15m	n/a	80HT3R/112.70m
9" Hinged Fiber Container 1 comp	SC-U9/172.70m	ECO-9HW/237.50m	HC9SC/266.95m	90HT1/106.45m
9" Hinged Fiber Container 3 comp	SC-U9T/172.70m	ECO-9-3HW/237.85m	HC9CSC/266.95m	90HT3/106.45m
10" Hinged Fiber Container 3 comp	n/a	ECO-10-3HW/327.40m	n/a	110HT3/n/a
Hinged Fiber Hoagie Container 2 comp	SC-U34D/125.08m	ECO-Hoagie-2/199.68m	n/a	205HT2/114.40m
Hinged Fiber Hoagie Container 1 comp	SC-UHB/125.08m	ECO-Hoagie/182.96m	n/a	99HT1/124.40m

Price per M = Price Per 1,000

Most fiber environmental products are approximately 35-55% higher in price when compared to foam.

Prices Current Foam-Styro Versus Eco Products

(80% or more being excluded in this Ban, down to 4 items!)

	Description	Pak Size	PRICE CASE	Price Each	Increase
HFM Food Service	Container Foam Hamburger 6"	500	\$56.31	Foam \$0.12 Bio \$0.14	0.025
HFM Food Service	Container Foam 3Comp To Go	200	\$21.95	Foam \$0.11 Bio \$0.28	\$0.17
HFM Food Service	Container Foam Soup Squat 16oz.	500	\$64.73	Foam \$0.13 Bio \$0.17	\$0.04
HFM Food Service	Container Foam Soup Hot /Cold 8oz.	1000	\$64.73	Foam \$0.08 Bio \$0.14	\$0.06
HFM Food Service	Container BIO Pulp Foam Hinged 6"	400	\$58.65	\$0.27	See above
HFM Food Service	Container BIO Foam 3Comp	200	\$54.99	\$0.28	See above
HFM Food Service	Container Paper Soup 16oz.	500	\$81.92	\$0.17	See above
HFM Food Service	Container Paper Soup Hot /Cold 12oz.	500	\$69.75	\$0.14	See above
Sustain Island products	Container BIO Pulp Foam Hinged 6"	100	\$53.59	\$0.27	0.15
Sustain Island products	Container BIO Foam 3Comp	200	\$54.99	\$0.28	0.17
Sustain Island products	Container Paper Soup 16oz.	500	\$100.70	\$0.20	0.07
Sustain Island products	Container Paper Soup Hot /Cold 24oz.	500	\$107.40	\$0.21	NA

"Composting Facilities Ready Switch All Products! "

**Price List Comparison HFM / Sustainable Island Products >> In line with VIP Service and Maui Chemical
 *** List Provided By Member Cochran 5/9/17 with Foam Cheaper than BIO is Incorrect and not possible!

Mahalo for your support of the Polystyrene Bill!

Lauren Blickley <lcblickley@gmail.com>

Wed 5/17/2017 11:08 AM

To: County Clerk <County.Clerk@mauicounty.us>;

Aloha Council Members,

I just wanted to thank you all for your continued support of Maui's Polystyrene Bill. Though the bill won't solve *all* of the issues surrounding single-use plastics, it is a big step in the right direction and sets incredible precedence in our state.

As you have seen from the hours of testimony (written and oral), there is strong support for this bill from our community and many restaurant owners.

I appreciate your commitment to making Maui more sustainable, and tackling the issue of polystyrene pollution with local solutions.

My friend sketched the image below, and I found it so relevant to the discussions that we've had over the past week.

I look forward to seeing this bill become a reality at tomorrow afternoon's meeting.

Mahalo again!

Lauren

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2017 MAY 18 AM 7:55
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COUNTY CLERK



Executive Officers:
John Erickson, Young's Market Company –Chair
Beau Oshiro, C&S Wholesale – Vice Chair
Toby Taniguchi, KTA Superstores – Secretary/Treasurer
John Schilf, Rainbow Sales and Marketing - Advisor
Stan Brown, Acosta – Advisor
Paul Kosasa, ABC Stores – Advisor
Barry Taniguchi, KTA Superstores – Advisor
Derek Kurisu, KTA Superstores – Immediate Past Chair
Lauren Zirbel, Executive Director

1050 Bishop St. PMB 235
Honolulu, HI 96813
Fax: 808-791-0702
Telephone: 808-533-1292
<http://www.hawaiiifood.com>

RECEIVED
2017 MAY 12 PM 1:20
OFFICE OF THE
COUNTY CLERK

TO: MAUI COUNTY COUNCIL
Honorable Councilmember Mike White, Chair
Honorable Councilmember Robert Carroll, Vice-Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: May 18, 2017
TIME: 4:30 p.m.
PLACE: Council Chamber, 200 S. High Street, Wailuku, Hawaii

RE: Bill 127, Draft 1

Position: OPPOSE

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.

HFIA opposes this measure for economic, environmental, logistical, and food safety reasons.

Biodegradable products are 30% more expensive than polystyrene options. Under Hawaii's current waste disposal system, biodegradable products will meet the same end as polystyrene foam because neither biodegrade in modern landfills. To protect the environment from liquids and gases produced during degradation of organic material, landfills are specifically designed to minimize the breakdown of garbage by limiting exposure to air, water and sunlight – conditions essential for degradation. As a result, without an investment in commercial composting facilities, the increased cost of biodegradable containers forced upon food establishments and consumers will result in negligible environmental benefits.

Unfortunately, no county in the state of Hawaii has a commercial composting facility where biodegradable products can be composted. In addition, it is exceedingly difficult to successfully implement a commercial composting system that accepts post-consumer food waste. Oahu has H-POWER, which can utilize polystyrene's high BTU value.

Most of the trash debris seen on beaches is the result of haphazard disposal of waste from all over the world and on the seas, which are brought here by ocean currents. **Rather than focusing on product prohibition, let's focus on responsible waste management.**

From a resource conservation prospective, source reduction is much more effective than recycling. According to Franklin Associates, for polystyrene packaging and disposables' recycling efforts to save as much energy as the 408 million pounds that was source reduced in 1997, a recycling rate of 51% would have to be achieved.

There are very real concerns associated with the manufacturing of biodegradable packaging, as Smithsonian Magazine (2006) put forth, stating that biodegradable alternatives have considerable drawbacks that haven't been publicized. For example, the cultivation of corn uses more nitrogen fertilizer, more herbicides and more insecticides than any other U.S. crop; such practices contribute to soil erosion and water pollution due to nitrogen run-off from fields into streams and rivers. We must acknowledge the environmental trade-offs associated with the use of any packaging material and question whether a mandate to use one specific type of container or product will have the desired outcome of reducing litter and/or marine debris.

All foodservice products – regardless of the material from which they are made – require the use of various natural resources (e.g., energy, water). Franklin & Associates' "Life Cycle Inventory Study" (2006) showed that polystyrene, when compared to other food service containers, is very efficient in minimizing air emissions and energy used during the manufacturing process and in reducing the amount of waterborne waste generated during the manufacturing process.

This bill makes the false assumption that alternative products are somehow manufactured in a vacuum without the use of raw materials, energy, water, or fuel to deliver the product. It is also misleading, considering that many bio-degradable options are produced in China, where labor, quality and environmental standards are far below those practiced by polystyrene-manufacturing businesses in Hawaii.

We must also factor in the carbon footprint of shipping supplies from China, given that we have a more economically viable product produced here in Hawaii, which provides 100+ jobs to our residents. These jobs may be eliminated if the Council bans this locally produced, favorably priced, FDA approved product. We invite all councilmembers to visit KYD's recycling facility in Kalihi to see first-hand how this locally-owned company source reduces and streamlines production by reusing leftover production materials.

With regard to health impact, extensive studies from the FDA, Health Canada and Environment Canada conclude that styrene is "non-toxic," "does not constitute a danger to human life and health," and "does not constitute a danger to the environment on which human life depends." Rather than allowing emotions and fear to cloud our sensibilities, let's focus on the science.

Lastly, many of our members have found it impossible to find an alternative product that 1) maximizes the time necessary to keep food at appropriate temperatures to limit microbial growth and ensure maximal taste, and 2) is sturdy enough to protect customers from spills and burns. This desire to keep takeout food in top condition and to ensure public safety are primary concerns for food retailers, especially given the intense public scrutiny of online reviews, which can make or break a business.

For these reasons, we ask that this bill be held.

Thank you for the opportunity to provide testimony.

Bill 127, Draft 1- Polystyrene Foam Containers

Chris Borden <ChrisB@times-supermarket.com>

Fri 5/12/2017 4:10 PM

To:County Clerk <County.Clerk@mauicounty.us>;

To whom it may concern

On behalf of QSI. d/b/a Times Supermarket Concerning Bill 127, Draft 1– Polystyrene Foam Containers we oppose this bill for several reasons. Compostable products only degrade in special composting facilities, which Hawaii does not have. As a result they will have the same fate as polystyrene foam containers and end up in the landfill. In addition, alternative products cost 2-3x more, and lack the durability and insulating abilities of polystyrene foam.

Mahalo

Chris Borden

Times Supermarket

Retail Support Center

Senior Director of Marketing

(808) 831-0811 ext. 242 Oahu

(808) 265-0856 Cell



RECEIVED
2017 MAY 12 PM 4: 11
OFFICE OF THE
COUNTY CLERK

Polystyrene foam ban

Ane Takaha <bhaktirocks@earthlink.net>

Sat 5/13/2017 9:19 PM

To: County Clerk <County.Clerk@mauicounty.us>;

Dear council members:

Thanks for taking positive action to protect the oceans, sea creatures and landfills. Please take this bad ask the way and make it real.

Thanks again

Ane Takaha

Maui Meadows

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2017 MAY 15 AM 7:50
OFFICE OF THE
COUNTY CLERK



Meadow Gold Dairies



Written Testimony by: Glenn Muranaka

Bill 127draft1, A Bill for an Ordinance Establishing A New Chapter 20.26, Maui County Code, Restricting the Use and Sale of Polystyrene Foam Food Service Containers

Thursday, May 18, 2017 – 4:30 PM

Position: Oppose

Chair Cochran and Members of the Maui Infrastructure and Environmental Management Committee:

My name is Glenn Muranaka, President and General Manager of Meadow Gold Dairies. Our company has been in Hawaii since 1897—120 years, providing Hawaii consumers with a variety of milk products and juices. Meadow Gold's long history has not come without effort. We continually adapt to our customers' and consumers' ever-changing needs, and we constantly evolve along with our industry, our community and our market. Over the years, this has required that we struggle, tighten our belts, innovate and work extremely hard, making us a better company in the process. The foundation of this work rests with the 330 employees that are committed to providing superior quality products.

We all support a better environment for our islands. The difference is how we go about doing it. Banning one product in order for the sale and use of another product, compostable food containers, will do little to improve the environment. Compostable food containers will go to the landfill since there is no commercial composting facility on Maui. It will cost businesses and consumers two-three times more, and the product lacks the insulating qualities of polystyrene foam.

Personal responsibility in throwing rubbish where it belongs instead of along the highway and beaches is a better way to take care of the environment and perhaps the root of the problem this bill attempts to address.

Thank you for the opportunity to submit testimony. If you have any questions, please contact me at 944-5911.

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2017 MAY 15 PM 3: 54
OFFICE OF THE
COUNTY CLERK

FW: Vote on Bill to Raid Maui Cost of Living this Thursday

Theresa Valdez

Tue 5/16/2017 2:49 PM

To: County Clerk <County.Clerk@mauicounty.us>;

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OFFICE OF THE
COUNTY CLERK

2017 MAY 16 PM 2:50

From: IEM Committee

Sent: Tuesday, May 16, 2017 2:47 PM

To: OCC Legislative <OCC_Legislative@mauicounty.us>

Subject: FW: Vote on Bill to Raid Maui Cost of Living this Thursday

From: James Quine [<mailto:james@geckogroup.org>]

Sent: Tuesday, May 16, 2017 2:17 PM

To: Troy Hashimoto <Troy.Hashimoto@mauicounty.us>; Mike White <Mike.White@mauicounty.us>; WR Committee <WR.Committee@mauicounty.us>; Alika A. Atay <Alika.Atay@mauicounty.us>; LU Committee <LU.Committee@mauicounty.us>; Robert Carroll <Robert.Carroll@mauicounty.us>; IEM Committee <IEM.Committee@mauicounty.us>; Elle Cochran <Elle.Cochran@mauicounty.us>; HHT Committee <HHT.Committee@mauicounty.us>; Stacy S. Crivello <Stacy.Crivello@mauicounty.us>; PRL Committee <PRL.Committee@mauicounty.us>; Donald S. Guzman <Donald.Guzman@mauicounty.us>; BF Committee <BF.Committee@mauicounty.us>; Riki Hokama <Riki.Hokama@mauicounty.us>; PC Committee <PC.Committee@mauicounty.us>; Kelly King <Kelly.King@mauicounty.us>; PEA Committee <PEA.Committee@mauicounty.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>

Subject: Re: Vote on Bill to Raid Maui Cost of Living this Thursday

Aloha Council members,

It's come to my attention that you are about to vote on a bill that will restrict the use and sale of polystyrene foam food containers, in order to protect our environment, but that our landfill can't biodegrade the mandated biodegradable containers the bill proposes. The only result, aside from appeasing environmentalists, will be an increased cost of living on Maui, as a direct result of increased costs to restaurants for to-go containers.

I often wonder if anyone in government actually sees the big picture and the effects of the bills being considered. Do you really think citizens of Maui should pay more for food at restaurants? Please give me a reasonable explanation as to why this bill is even being considered if our landfill cannot truly break down biodegradable food containers any more than polystyrene ones.

In the event the bill is passed, I will encourage everyone I know to post the following information on ever social media sites possible, as I think everyone should know the truth about the bills being passed, and we should only continue to elect council members that are pro-environment in an intelligent, responsible manner, rather than voting on bills that do nothing other than raise our cost of living with no benefit to the environment.

Thank you in advance for your consideration and (hopefully) a response to this inquiry. Sincerely, James Quine, a pro-environment, pro-economy, Maui resident and business owner for over 25 years.

Maui Magazines

Office (808) 661-1155 | Cell (808) 250-1201

180 Dickenson Street, Suite 207, Lahaina HI 96761

To be released on Friday, May 17th, 2017, only in the event the bill is passed.

BILL PASSED TO RAISE MAUI COST OF LIVING...

Today, our Maui County Council Members passed a bill intended to help the environment, which in fact did nothing other than to increase our cost of living on Maui. The bill will raise costs to restaurants, and prices to us, at almost all Maui restaurants, even at many fast food chains, by forcing them to use new to-go packaging which is not biodegradable. Wait, what? Yep, that's right. You see, on Maui we have a landfill that cannot compost biodegradable materials. Whether it's plastic or biodegradable products, our landfill treats is exactly the same - it remains un-biodegradable forever.

Even so, with pressure from environmentalists who want green, but themselves admit these containers won't biodegrade, the council voted yes on this bill today. Instead of passing a bill to help make our landfill able to handle biodegradable products, or a bill to start curbside pickup of bottles, cans and recyclables, they choose to vote on this bill, which will inevitably increase our cost of living on Maui.

Oh yeah, and those pesky styrofoam peanuts that fly into the ocean, which really create a problem in our oceans and environment, well the council gave them a free pass.

In the end, even though the council knew that passing this bill would not really help our environment, and would increase our cost of living, they voted yes on it. So the next time you cast your ballots for Maui council members, be sure to look at which ones voted to increase our cost of living with zero benefit to our environment, and which ones knew better and voted no on this bill. By doing so, maybe we can vote in the right mix of council members who truly care both about keeping our island green AND keeping our costs of living on Maui affordable.

Polystyrene Hearing Tomorrow

RECEIVED

2017 MAY 18 AM 7: 51

Mermaid Ho'okipa <mermaidofhookipa@gmail.com>

Wed 5/17/2017 10:42 PM

OFFICE OF THE
COUNTY CLERK

To:County Clerk <County.Clerk@mauicounty.us>;

Please ban all polystyrene and single use plastics from Hawai'i Nei! Their toxicity is proven and we do not need these leaching poison into our ground water, beaches and affecting our keiki. The garbage I pick up at Ho'okipa Beach park is mostly single use plastic. This effects tourism, as they leave the beaches when trash piles persist. I've spent 4-5 days a week for most of the past two years at Ho'okipa, so I know this as a fact.

Mahalo nui for your kuleana,
Aubrie
Ocean Conservationist & Founder
Mermaid of Ho'okipa

Approve of Bill 127

Dyon Buitenkamp <dbuiten@my.hpu.edu>

Wed 5/17/2017 4:16 PM

To: County Clerk <County.Clerk@mauicounty.us>;

Hi,

I approve of Bill 127, this will make way to get the ban of styrofoam on the other islands of Hawaii as well!

Mahalo,
Dyon Buitenkamp
Cell: (808) 308-3108

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2017 MAY 18 AM 7: 51
OFFICE OF THE
COUNTY CLERK

Thank you for your support of the polystyrene bill

RECEIVED

y u r i <yurichop@gmail.com>

2017 MAY 18 AM 7: 51

Wed 5/17/2017 10:48 AM

OFFICE OF THE
COUNTY CLERK

To:County Clerk <County.Clerk@mauicounty.us>;

Dear: Maui County Council Members

Thank you so much for your support of the polystyrene bill. I don't know how to put into words how grateful I am to you for voting to protect us. This is one small but important step in protecting the future of our land, our oceans, and our children. When we put our minds and resources towards sustainable products, like the alternatives to polystyrene, we can stand tall with love.

Thank you from the bottom of my heart,
Yuri Cardenas

Beach Environmental Awareness Campaign Hawai'i

P.O. Box 25284 · Honolulu · Hawai'i · 96825
(808) 393 2168 · www.b-e-a-c-h.org

OFFICE OF THE
COUNTY CLERK

2017 MAY 18 AM 7:51

RECEIVED

DATE: 17th May, 2017.

TO: Chair Mike White, Vice-Chair Robert Carroll and Maui County Council Members

FROM: Suzanne Frazer, Co-Founder, Beach Environmental Awareness Campaign Hawai'i

RE: **TESTIMONY IN STRONG SUPPORT OF BILL 127 (2016)**
Restricting the use and sale of polystyrene food service containers.
Council meeting on Thursday 18th May, 2017 at 4:30PM.

Aloha Chair White, Vice-Chair Carroll and Maui County Council Members,

I am writing on behalf of Beach Environmental Awareness Campaign Hawai'i (B.E.A.C.H.) in strong support of Bill 127 which will ban all disposable polystyrene foam food and drink containers from sale and use in Maui County. Thank you for moving this measure forward. I hope you pass this important law.

Polystyrene or number 6 plastic, is one of the three most harmful plastics in terms of chemicals. Number 6 plastic is rarely recycled and once it is contaminated with food and drinks it is not recyclable. Polystyrene is made from petroleum and contains benzene which is carcinogenic. Polystyrene leaches styrene, a chemical that is toxic to the brain and nervous system and has been found to adversely affect red blood cells, liver, kidney, stomach and cause cancer in animal studies.

Styrene is released especially when the container or cup is subjected to heat, so polystyrene foam containers and cups are a very bad choice for hot food and drinks. Oily and acidic foods and drinks also facilitate the migration of styrene from the container into the food/drink.

Polystyrene food containers have also been shown to have estrogenic activity (EA). Chemicals that cause EA are those that act like a synthetic form of estrogen or block the action of naturally occurring estrogen in the body and cause endocrine disruption. In humans, chemicals having EA can cause prostate and breast cancer and many reproductive health problems. Unborn children, babies and young children are especially sensitive to low doses of chemicals having EA.

In the polystyrene plastics industry, workers have been found to have higher incidences of cancer including leukemia and suffer from many adverse health effects from the inhalation of styrene. Styrene causes neurotoxicity and therefore affects people's nervous system and also impairs the immune system.

Polystyrene containers are also harmful to the environment. Plastic does not biodegrade. It does not have a timeline for disappearing. Plastic lasts forever. When plastic gets into the ocean it accumulates additional poisons such as dioxins, DDT, DDE and other persistent organic pollutants

(POPs). Polystyrene foam has been found inside of sea birds and fish. The ingestion of plastic not only causes blockages and starvation, but the animals and birds are harmed through the uptake of toxic chemicals such as styrene which leaches from the ingested plastic and accumulates in the fatty tissues of the animal. These chemicals are then passed through the food chain. Styrene is also found in the fatty tissues of humans. In a 1982 study by the EPA (the National Human Adipose Tissue Survey), 100% of Americans studied had styrene in their fatty tissues. The EPA's Styrene Fact Sheet states that styrene does not occur naturally.

We need to do everything we can to reduce plastic on beaches and in the ocean in order to save marine life as polystyrene foam cups, containers and pieces of foam can and do wash into the ocean which is why these containers need to be banned. Polystyrene foam is lightweight, easily breaks into pieces and is wind blown. Picking up small, broken pieces of polystyrene foam in wind at the beach is difficult.

There are good alternatives to polystyrene food and drink containers available that are made from sugar cane and other vegetable fibres that do not contain benzene, styrene or petroleum. Our organization also recommends that people bring their own containers made of glass, stainless steel or ceramic for food and drinks.

Your leadership is needed to help protect the people of Maui County, visitors, marine life, the food chain and the environment from the harmful effects of polystyrene. Please lead the way for the rest of Hawai`i by passing this bill and being the first County in Hawai`i to take action to ban disposable polystyrene foam food and drink service containers. Thank you.

Thank you for this opportunity to provide written testimony in strong support of Bill 127.

Sincerely,



Suzanne Frazer.
President,
B.E.A.C.H.



12 years
2006 - 2018

*Reducing and preventing plastic
marine debris to protect sea life*

Beach Environmental Awareness Campaign Hawai`i is an all volunteer, non-profit organization that brings awareness and solutions to marine debris through environmental education, plastic reduction/litter prevention campaigns, and marine debris removal and research, in order to inspire actions by individuals and the community that protect Hawai`i's marine life, sea birds and ocean/coastal environment.

Bill 127 testimony

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2017 MAY 18 AM 7: 51

dean otsuki <dolive2surf@yahoo.com>

Wed 5/17/2017 11:31 AM

OFFICE OF THE
COUNTY CLERK

To: County Clerk <County.Clerk@mauicounty.us>;

I am in strong support of Bill 127 which would ban polystyrene food containers from being sold and distributed in the county of Maui.

Polystyrene food and drink containers are made from petroleum, a non-sustainable and heavily polluted resource. Polystyrene food and drink containers leach the chemical styrene when they come into contact with hot food or drink, alcohol oils and acidic foods causing human contamination and pose a health risk to people.

Furthermore, when polystyrene containers for food and drink end up in the ocean it breaks down into smaller pieces that are ingested by marine life, sea birds and other wildlife thus harming them or killing them.

Food vendors can use less harmful containers when serving food such as compostable containers which does not cause any harm to the environment. Though compostable may cost a bit more than polystyrene it is much better for our environment in the long run. Customers can also bring their own food containers when getting take-out food. Using this material (polystyrene) to use for 20 - 30 minutes and then throwing it away does not make sense and is a complete waste when the raw material (petroleum) took millions of years to develop.

Please pass Bill 127 to protect people's health and the environment. Hopefully by passing this bill it will get other counties to consider banning polystyrene food and drink containers as well as polystyrene food utensils.

Thank you,

Dean Otsuki
P.O. Box 25284
Honolulu, HI 96825

Foam Ban

Ryan Christopher <ryan@earthfriends.com>

Thu 5/18/2017 9:34 AM

To: County Clerk <County.Clerk@mauicounty.us>;

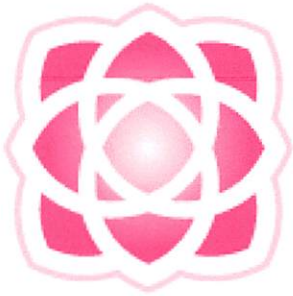
I just wanted to say thank you for passing the foam ban. Our Keiki thank you for your leadership in protect them and the land.

Sent from my iPhone

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2017 MAY 18 AM 9:42

OFFICE OF THE
COUNTY CLERK



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

Testimony on Bill 127
Re: Polystyrene Foam Containers
Thursday, May 18, 2017

Dear Chair White, Vice Chair Carroll &
Members of the County Council

Aloha and Mahalo for the opportunity to provide testimony on this matter.

We appreciate Council Chair White's efforts to have more review on this issue and while the Chamber does still feel that litter control is the bigger issue and that the County has other higher level environmental priorities that we need to tackle, we do appreciate that this bill has been limited to polystyrene foam containers which will help to reduce the impact, that businesses will be given a time to use up existing inventory and that the commerce issue has been addressed to allow manufactured products to still be shipped into Maui even if they are in what is considered a polystyrene foam container. However, we still feel there will be an impact on many small businesses and ask that you hear their concerns and seek ways to mitigate the challenges they will face as a result.

Further, we are hearing that this could impact schools in a big way and you may want to consider that point at this point to avoid any negative unintended consequences.

We appreciate the opportunity to provide comments on the bill and hope that the county will work to address litter control and expanded recycling programs which can be positive steps moving forward and help to avoid the need for future bans.

Mahalo for the opportunity to provide testimony.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.