

# **CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**June 30, 2021**

**Online via BlueJeans Link**

**CONVENE:** 9:01 a.m.

**PRESENT:** VOTING MEMBERS:  
Councilmember Kelly Takaya King, Chair  
Councilmember Shane M. Sinenci, Vice-Chair  
Councilmember Gabe Johnson  
Councilmember Alice L. Lee  
Councilmember Michael J. Molina  
Councilmember Tamara Paltin  
Councilmember Yuki Lei K. Sugimura

**STAFF:** David Raatz, Supervising Legislative Attorney  
James Forrest, Legislative Attorney  
Shelly Espeleta, Supervising Legislative Analyst  
Nicole Siegel, Legislative Analyst  
Rayna Yap, Committee Secretary  
Lenora Dinneen, Office of Council Services Assistant Clerk  
  
Axel Beers, Executive Assistant to Councilmember Kelly Takaya King  
Ellen McKinley, Executive Assistant to Councilmember Kelly Takaya King  
Davideane Sickels, Executive Assistant to Councilmember Tasha Kama  
Evan Dust, Executive Assistant to Councilmember Tasha Kama  
Kate Griffiths, Executive Assistant to Councilmember Gabe Johnson

**ADMIN.:** Shayne Agawa, Deputy Director, Department of Environmental Management  
Tamara Farnsworth, Recycling Coordinator, Department of Environmental Management  
Richelle Thomson, First Deputy Corporation Counsel, Department of the Corporation Counsel

**OTHERS:** Keisa Liu (CARE-48, CARE-34, CARE-29)  
Mike Moran, Kihei Community Association (CARE-48, CARE-34, CARE-29)  
Shelby Serra (CARE-48)  
Jordan Hocker (CARE-48, CARE-34, CARE-29)

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Kai Nishiki (CARE-48, CARE-34, CARE-29)  
Lauren Blickley, Hawaii Regional Manager, Surfrider Foundation  
(CARE-48)

**PRESS:**   *Akaku: Maui Community Television, Inc.*

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CHAIR KING:   ...*(gavel)*... Good morning, CARE Committee, this is the Climate Action, Resilience, and Environment Committee of June 30, 2021. Bonjour, comment allez-vous, and aloha kakahiaka, everyone. We're...we're helping prepare Member Paltin for her upcoming trip to France to attend the conservation conference, and it's a wonderful last day of the fiscal year morning, so I want to congratulate everybody for making it through another fiscal year. I'm Kelly Takaya King, I'm the Chair of the CARE Committee, and today we have with us...let's see...first...I would like to introduce my Vice-Chair, Councilmember Shane Sinenci from East Maui. Bonjour, Member Sinenci.

VICE-CHAIR SINENCI: Buongiorno [*sic*], Chair. Comment allez-vous?

CHAIR KING: All right, and let's go down the line. Next we have our Council Chair, Alice Lee.

COUNCILMEMBER LEE: Madam Chair, bonjour. Comment allez-vous? And this is for Member Paltin. Instead of saying, "bonjour, pehea 'oe," you would say, "bonjour, comment allez-vous."

CHAIR KING: Which means, "how are you?" "Hello, how are you?" We also have with us from...all the way from Lānaʻi, Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Good morning, Chair. Good morning, Members, I already forgot it. Bonjour, comment allez-vous? There it is. I knew I'd get it out there. Happy to be here. What an amazing agenda. I'm looking forward to a great discussion. Aloha.

CHAIR KING: Okay. Congratulations for making it to the end of your first fiscal year, even though you were only here half the year, but it was a...it was a very exciting half a year.

COUNCILMEMBER JOHNSON: Sure was.

CHAIR KING: Next we have our Councilmember from...all the way from Upcountry, Mike Molina. Bonjour, and comment allez-vous?

COUNCILMEMBER MOLINA: Bonjour, comment allez-vous, Madam Chair, and to my fellow colleagues as well. And happy to be here on this beautiful, beautiful Wednesday, last day of June.

CHAIR KING: Yeah, last day of June. All right. Thank you for that. And next we go to our Councilmember who's soon departing to France, Member Tamara Paltin from West Maui. Bonjour, comment allez-vous.

COUNCILMEMBER PALTIN: Bien. Bonjour, comment allez-vous, and aloha kakahiaka,

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kākou.

CHAIR KING: All right, très bien. And last but not least, we have our Councilmember from Upcountry where the purple and gold, I think is still falling, our Member Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Bonjour. We got to all practice so that Tamara will have her comfort level perfect for her trip to France. So good morning, everybody. Nice seeing everybody.

CHAIR KING: Okay, great. And it looks like a beautiful in everybody's neighborhood today. So we're going to first ask everyone to silence cell phones, and if you're not speaking...I do have one ministerial item to take care of. I did hear from *Akakū* this morning that they'd like to take another look at the format. They prefer the...they thought that the speaker view shows better than the gallery view, and so I just said I would put it to the Committee, which view you'd like to use. So if...is there a preference for speaker view over the gallery view? The gallery view keeps everybody up all the time. The speaker view shows the speaker, you know, kind of front and center when you're speaking. So just raise your hand if you have a preference for gallery. One, two, three, four, okay, looks like we're sticking with gallery, Chivo. So we'll stay with this format. Is that all right? I think it's Nicole that will keep it on the gallery view. Okay. Thank you for that input, and we also have two Non-Voting Members, Tasha Kama, and Keani Rawlins-Fernandez, who are welcome to join us at any time. Today, Members, we have with us the Deputy Director from the Department of Environmental Management, Shayne Agawa. Welcome, good morning, bonjour, comment allez-vous?

MR. AGAWA: Morning, Chair King. Morning, Members.

CHAIR KING: All right. Thank you so much for being here, appreciate it. And we have...also have with us from DEM, the Recycling Coordinator from the Department of Environmental Management, Tamara Farnsworth. Good morning, aloha kakahiaka, and bonjour.

MS. FARNSWORTH: Bonjour, aloha.

CHAIR KING: All right. Today it looks like we have with us, Richelle Thomson from the Corp. Counsel, subbing for Keola Whittaker. Good morning, Richelle, comment...bonjour, and comment allez-vous?

MS. THOMSON: Bonjour.

CHAIR KING: Thank you for being with us. And our Committee Staff today is Nicole Siegel, Legislative Analyst; Rayna Yap, Committee Secretary; Lei Dinneen, Council Services Clerk, and we have James Forrest, our illustrious Legislative Attorney. Thank you for being with us and doing so much work on these bills, Mr. Forrest. And also, I'd just like to thank my Staff, Axel Beers, Ellen McKinley, and Sarah Sexton for all their work on putting together this agenda. So Members, today we have three items on today's agenda, CARE-48 Break Free from Plastic Pollution Act, which was referred to us by

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Chair Lee, and done a lot of research on it, and we have a resource person to present that. We have CARE-34 Prohibiting the Sale and Rental of Disposable Bodyboards, and that was presented by Councilmember Paltin, who will give time to introduce that bill when it comes to that. And we have CARE-29 on Plastic Disposable Foodware, and that is a measure from myself that proposes to add on the Styrofoam coolers and ice chests to the list of foodware that we don't want to see in the County. So let's begin with public testimony. Nicole, do we have testifiers today?

MS. SIEGEL: Yes, Chair, we do.

CHAIR KING: Okay, then I will go through the instructions. Testifiers wanting to provide video testimony should join online meeting via the BlueJeans meeting link, and that's on today's agenda, or you could join via--I'm sorry, just a minute--or you could join by phone, and that's also...the phone number's listed on today's agenda. Okay. Written testimony is highly encouraged using the eComment link listed for today's agenda on [mauicounty.us/agendas](http://mauicounty.us/agendas). Instructions on how to submit testimony via eComment can also be found at [mauicounty.us/eComment](http://mauicounty.us/eComment). So we're moving on to oral testimony. Oral testimony is limited to three minutes per item. If you are still testifying beyond that time, I will ask you to kindly complete your testimony. When testifying, please state your name and if you are testifying on behalf of an organization or are a paid lobbyist. Please be mindful of the use of chat during the meeting. Chat should not be used to provide testimony or to chat with others. If you are here to provide testimony, please be courteous to others by turning off your video and muting your microphone while waiting for your turn. Once you're done testifying, you'll be asked to disconnect from the call; however, we welcome you to continue to view the remainder of the meeting on *Akakū* Channel 53, [mauicounty.us](http://mauicounty.us) or Facebook Live. Participants who wish to view the meeting only, without providing testimony, please disconnect at this time and instead view the meeting on *Akakū* Channel 53, the website or Facebook Live. If we...if you are on...if you announce yourself on chat, we'll just kind of automatically add you to the testifier list, so you need to let us know if you're not here to testify. I want to remind Committee Members, Administration, and public testifiers to be patient if we run into any technological issues, and knock on wood, we won't have that today. So Members, I'd like to proceed with oral testimony. Staff has been monitoring the people joining today's meeting by phone and by video, and we will take each person up in an orderly fashion. So we're going to go ahead with...first testifier, Nicole?

**. . .BEGIN PUBLIC TESTIMONY. . .**

MS. SIEGEL: Chair, the first person signed up to testify is Keisa Liu, followed by Mike Moran.

CHAIR KING: Aloha, good morning, Keisa. The floor is yours.

MS. LIU: Aloha, Chair King, Vice-Chair Sinenci, members of the public, my name is Keisa Liu, and I'm here to testify on all three agenda items collectively. Today, my testimony will be the opposite of how I will describe myself because it's going to be short and sweet. I am in full support... . . .*(laughing)*. . . you like that one, that was a good joke, right? Okay. I am in full support of all three of these agenda items. I really don't feel like I need to argue why we should do everything to reduce our dependency on single-

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use plastics and Styrofoam, or why disposable boogie boards is an idiotic idea. It's stupid, I'm sorry. There are...there have been enough studies and you all have enough common sense to know they bad. And you know, if there is any argument against pushing these measures through, I am sending you all of my energy to hold that poker face and resist rolling your eyes because this just doesn't make any sense. You know, the thing is, we're humans, okay? We can learn. We can change behaviors. If we can go from having children literally bouncing around in a moving vehicle that has no seatbelts while their parents legally sip beer to having car seats and seatbelts and laws against drinking and driving, we can learn how to live without single-use plastic and Styrofoam and disposable boogie boards, okay? So that's all I really have to say about that. Good luck on this endeavor, and as always, mahalo for your time and consideration.

CHAIR KING: All right. Mahalo, Ms. Liu. Any questions for our testifier? If not, all right. Well, thank you for your words well spoken, and move on to our next testifier.

MS. SIEGEL: Chair, the next person signed up to testify is Mike Moran, to be followed by Shelby Serra.

MR. MORAN: Morning, Chair Lee and Committee Members.

CHAIR KING: Good morning.

MR. MORAN: I commend...commend Council Chair Lee for the bright green shirt for this environmental meeting. Very appropriate. Mike Moran for the Kihei Community Association, and we echo everything Keisa said before us. We are in support of all three items. On the first one, plastic pollution, we think this is a very sage approach. This is certainly a world-wide problem and going at least to the Federal government...maybe we can't go to the whole world, but going to the Federal government and supporting some kind of action to help with the plastic pollution. We all know about the garbage patch, and we all see it locally on our beaches what washes...consistently washes up. So we think that's a very sage approach, and we commend you for having the presenter, Mama Lauren, coming up next. And many years ago before she even was a Blickley, she presented to the KCA Community meeting when we had live meetings on environmental issues, and she's continuing to do so. And for...and maybe an extra good reason now that she has keiki coming up, she wants to even make it better for the...for the future. And speaking of community meetings, KCA is having our community meeting on the 20th of July on this same issue on recycling. We had one just about two years ago, but the community here keeps asking for more information, more understanding...why aren't we making more progress. So we are approaching that topic again. On the second item, CARE-34, we think that first "R"...we all think of the three "R's" and it's generally called "reduce", some people call it "refuse", but that's the best approach, right? If we never get this junk on our island, we don't have to worry about doing something with it. And certainly, these disposable boogie boards...I mean, you know, we've seen them for years, and sadly, we often see them broken and left on the beach, especially down places like Mākena where you think what happened to the person, was he or she broken too...it's like this broken board. So yeah, there's no...no...no need for these things. Let's get rid of them, and let's do what you guys

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have been continually advocating. Educate the visitors not to come and make that first stop to buy goodies and then oh, yeah, let's get this cheap boogie board that we can leave here when we leave. No. Please, if you're packing it in, please pack it out. So we are in full support of that for that reason. And likewise the third one, CARE-29, this too, it's very similar with the Styrofoam, I know there's...I think the public generally just thinks of all this stuff using that proper name "Styrofoam" so these so called "Styrofoam" coolers, it's the same principle, it's just going to get broken and abandoned, and...and we have found no reasonable way to recycle any of this hard...hard Styrofoam product. I know years ago, there was one place up in Upcountry, I think in Makawao, that would accept them because they used them to pack, I don't know, some kind of high-end artwork. But even with something like that, I don't know if they still do it, but even if they did, when you're in South Maui, well, is that environmentally sound to take a couple of pieces, drive them up there; well, now, you're polluting with your car. So there seems no reasonable way to do anything with these but put them in the landfill. So yes, let's reduce or refuse bringing them in. So we commend you for this bill as well. Thank you very much for the opportunity. Aloha.

CHAIR KING: Aloha, Mike, and thank you for your testimony. And I also want to commend you on your choice of colors because, you know, blue and green are the earth's colors, which is why I have the leis on that are blue on green, but...so you and Alice are representing major colors of the environment. Any questions for Mr. Moran? If not, thank you so much for your testimony, appreciate your presence and your words. Thank you.

MR. MORAN: . . .*(inaudible)*. . .

CHAIR KING: And oh, is your...is your next KCA going to be in person or virtual?

MR. MORAN: Virtual. We're still hanging on with the virtual. We have a lot of seniors in there, and we also have a lot of lazy people like me. Gee, it's so easy to do these meetings from home now, we're not so sure we're rushing back to it. So long answer to a short question, we're still doing virtual. Thank you for asking.

CHAIR KING: Okay, great. All right, thanks. All right.

MR. MORAN: A hui hou.

CHAIR KING: Testifier...aloha. Next testifier?

MS. SIEGEL: The next person signed up to testify is Shelby Serra, to be followed by Jared.

CHAIR KING: Okay, Shelby Serra, are you here? Going once, going twice...oh, there she is. All right. Go ahead, you have the floor. We...we can't hear you, so it looks like you're unmuted on our end. Still can't hear you. No, we still can't hear you.

COUNCILMEMBER PALTIN: Maybe if she takes the earphone function out?

CHAIR KING: Can you take the earphone function and disconnect it? You need to disconnect

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it.

MS. SERRA: Can you hear me?

CHAIR KING: Yeah, now we can hear you.

MS. SERRA: Oh, okay. Well, all right. Well, good morning, Council. Thank you for being patient with that. On behalf of Pacific Whale Foundation and our nearly 20,000 supporters, we want to support this resolution for the Council to support the Break Free from Plastic Pollution act. Our support for this act certainly trickles down to the two other agenda items in this meeting, but I would like to speak more to the Break Free from Plastic Pollution Act. This national bill goes beyond single-use plastic bans, it takes a holistic approach to tackle the issue of plastic pollution. Research has shown that plastic pollution has detrimental impacts on the environment, both marine and terrestrial, and on human health. The impacts of this crisis are felt not only here at home but across the globe, and as such will require concerted efforts at all levels of government, NGOs, businesses, and beyond. Passing this resolution is one step in the right direction for Maui County, whose influence will launch the State of Hawai'i to the forefront of environmental leadership. As a vulnerable island-state both because of our location within the North Pacific sub-tropical gyre, as Mike Moran pointed out as well, and our waste management infrastructure here on the island, we cannot afford to not take action on this matter. We hope that the weight of support by the Maui County Council encourage the State's Congressional delegation to sign on as co-sponsors of this important legislation. We can't afford to wait. The time is now. Mahalo for your consideration.

CHAIR KING: All right. Mahalo, Ms. Serra. And we have a question from you from Councilmember Sinenci, but just before that question, Member Sinenci, I...because this issue came...I believe came from Pacific Whale Foundation through the Chair too, I wonder...if there are no objections, if we could ask Ms. Serra to be a resource when we get to this item, which is the first item on the agenda, if there are no objections, and if you're willing to stay?

COUNCILMEMBERS: No objections.

**COUNCILMEMBERS VOICED NO OBJECTIONS**

CHAIR KING: Okay. We'll be having a presentation from Surfrider, but it would be nice to have Ms. Serra there as well if we have any additional questions. Okay, go ahead, Member Sinenci.

VICE-CHAIR SINENCI: Mahalo, Chair, and aloha, Ms. Serra. Mahalo for being here today. I was just wondering, you know, we've...we've been experiencing more of the microplastics being washed up on shore, particularly during the king tides. Have...has the Pacific Whale Foundation seen more detriments to Marine Life and bird...the sea bird life...those types of things that are...I know they are ingesting it, but I just wanted to see if the...the issue has compounded itself recently?

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MS. SERRA: We are working on research at the moment on the impacts of the pandemic on marine debris in our shorelines. So we're currently working on sorting through that data and writing a paper and we'll publish soon. But as far as our sort of focus area goes, it's whales and dolphins for us, and then shoreline debris, so we will certainly share those findings with the Council when we...yeah...when we see it. But I know from our community science research, we have coastal marine debris monitoring programs where community members take data on the amount of debris they're picking up, and we've seen a dramatic increase in PPE showing up on our shorelines. And in addition, food wrappers and...and disposable waste as well, as take-out is more common these days. So dramatic increases against our baseline research for the last five years, over the last year.

CHAIR KING: Okay, thank you for that.

VICE-CHAIR SINENCI: Great, great. Mahalo, Ms. Serra. Thank you, Chair.

MS. SERRA: Mahalo.

CHAIR KING: Okay, mahalo, Member Sinenci. And you know, we'll have Ms. Serra on if you think of additional questions to...as an additional resource. Thank you so much for standing by.

MS. SERRA: Mahalo, Councilmember.

CHAIR KING: All right. Our next testifier?

MS. SIEGEL: Next testifier is logged in as Jared, to be followed by Jordan Hocker.

CHAIR KING: Okay, do we have Jared? Jared? I see...I see...yeah...yeah, I see you on the screen, but we can't see your video. So if you can unmute yourself and unmute your video if you choose. Staff, do we have Jared unmuted on our end?

MS. SIEGEL: He's unmuted on our end, Chair. We can go back to him if you'd like to try later?

CHAIR KING: Okay. Well, we will...we will go to Jared when we get to the bottom of the list, I guess. Unless you can break through right now, otherwise we'll go to our next testifier. You know, I see Maui Charter Commission listed on here. Is that a person?

MS. SIEGEL: It looks like they left the call, Chair.

CHAIR KING: Oh, okay. All right. Next testifier?

MS. SIEGEL: Next testifier is logged in as Jordan Hocker, to be followed by Kai Nishiki.

CHAIR KING: Good morning.

MS. HOCKER: Good morning. Good morning, Committee Members. This agenda is beautiful.



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Normally, I'm coming on here with a little bit of venom, but you know, looks pretty good. I'm loving it. So I just wanted to speak from, I guess, my position with single-use plastics. I definitely support breaking free from...the Breaking Free From Plastic Pollution Act. I look forward to seeing how the County Council can really work with...I mean, as one of the previous testifiers mentioned, all levels of government, and get this issue taken care of. So I'm one of the organizing members of a trash vigilante group called, "Pūlehu Posse." We're a group of neighbors in Kula who picks up Pūlehu Road, the dump road, from Holopuni all the way down to the dump, once a month. And what...and this might pertain to the last agenda item...I also want to speak on the boogie boards as well. We find a lot of single-use plastics. We find a lot of...it looks like some worker or somebody who found Pūlehu Road on their lunch break...just sort of dump all their lunch trash, and so it's a lot of single-use plastics, it's a lot of utensils, it's a lot of McDonald's, it's a lot of bentos. A majority of what we're finding out there is plastic, and it seems from that perspective, like I...I dream of banning all plastics that can't be composted back into the earth on Maui because at this point, if that were the case, then one, our work would be a little easier; and two, just the volume of what we're bringing out is pretty alarming. So we've been partnered with Mālama Maui Nui and they record our data, so I have to give their...our data to them each month that we use their items, and it's like 600 to 1,000 pounds of trash, and some of it is not single-use plastics, but a large majority of it is, or it's these tiny little pieces of plastic or Styrofoam that we're finding. And me, I...like, I can't help to leave them there. Like...it's like we have all of this trash to take care of. But when I'm on the side of the road looking at places where cars frequently pull over, it's all of these super tiny little pieces, and we get rain and we're on a mountain, and that stuff just gets washed all the way down. And so I think that banning these single-use plastics, especially like just disposable foodware, would help tremendously. And for me, my greatest concern is...I don't know if you Committee Members are aware, there was a study that was done in Italy recently that found...they tested essentially placentas, which is the organ that feeds the baby in-utero. And what they found is that of all of the placentas that they tested, which was like 12, they found microplastics in all of them. And the implications of what is our children's first life-giving organ having microplastics in it, even in small amounts now, if we don't act now...like if we act now, they're still going to be in there, right? If we don't act now, then microplastics are going to be found in every single child that is born in the future. And I don't mean that to sound like a...like...I do mean it to sound like a doomsday scenario, because if you can imagine, this organ is very sensitive, and it is literally the...the organ that stands between the mother and the baby, and they're finding those particles both on the baby's side and on the mother's side. And so I just want you to think for a second the implications of having a placenta so bogged down in microplastics that it can no longer support life, because that's what we're looking at. That's what we're looking at. And so for the first and last agenda items, I mean, I just...Maui...and this has been said about Maui before. We could really be leading the way. We could be leading the way. We could be being the example. I encourage visitors, often, to take only plastic from our beaches, and to...one, to make them aware of that everything on our beaches become sand and builds the beach, but also because I want them to be aware too. And so I think these issues are of the utmost importance. There's also other studies that say that there is a large amount of microplastics in our drinking water, and that the average person consumes up to a credit card worth of microplastics in a set amount of time. And so the water you're

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drinking, and the placentas of your family are...are becoming rife with microplastics and the reality is you get a large piece of plastic, it breaks down into a microplastic. That's it. If it's not compostable, it stays in its original component, plastic paint and all, and it will find our way...its way into our bodies. So that's the sort of thing I think about when I'm out there picking up trash every single month, and I've actually had to take a little break, but I get to go back this weekend. Our cleanup's on July 3rd, so if any of you want to see what just one road in our County looks like, Yuki Lei is there with us every single month. I invite all of you to come down and check it out. I've got gloves for you, we'll give you a t-shirt, "Pulehu Posse," you'll be a official member, but it's a really...on the ground, it's not a good situation. On the beach, it's not a good situation. And so that leads me to the next agenda item, which is CARE-34, these boogie boards. I feel like this goes without saying, this a no-brainer. I saw it come up, I was like, absolutely, why are we not doing this? And you know, I know that when we're talking about banning things that companies sell, we're worried about how that's going to affect businesses, but potentially, there is an opportunity for smaller businesses, local businesses, to come up actually renting these materials to tourists, right? So you need a cooler when you come here, you need a boogie board that's not a complete POS when you come here, then you can rent that from a local company, right? And so I think that while Costco might be like argh, argh, argh, we don't make money off of these boogie boards anymore, we could really be sourcing this to...in a way that...that did help our local economy but also is helping the environment at the same time. So I thank you very much for your time here today. Like I said, this agenda item looks great and you guys are up to good work.

CHAIR KING: All right. Mahalo, Ms. Hocker. Just one quick question from me. When you said 600 to 1,000 pounds was that per day, per month? Can you...

MS. HOCKER: That's per...that's per month. If we were out there per day...I mean, when we come back there are spots that we've cleaned out entirely that have another 100 pounds of trash there. You know, we've been sort of talking with the County about what can be done for dump hours and that sort of thing, and so I think, you know, this issue is this...if we can get the single-use plastic aspect, then we can begin to tackle the other sides of what we're missing --

CHAIR KING: Okay . . .*(inaudible)*. . .

MS. HOCKER: -- with our waste disposal.

CHAIR KING: Yeah, I just wanted to quantify that because that's a lot. And we have a question from Councilmember Sugimura, and then followed by Member Molina.

COUNCILMEMBER SUGIMURA: Thank you. Nice seeing you, Jordan, and I see Marigold, I saw her head in the background, so "hi" to Marigold too. I wanted to know if the 600 to 1,000 pounds, is that also the...are you including the tires and the...you know, the metal trash that we find or is this only those bags of trash that we put on the side of the road or pick up.

MS. HOCKER: This is actually only the bags. I...because we haven't really had the capacity

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to do a lot of big stuff until recently because we didn't have the volunteers, it's...it's bagged trash, and that can...I say 600 to 1,000 because you know, I'm going off of the Maui green bags that we get from Mālama Maui Nui, but many people bring other trash bags which have a greater capacity. So I'm just right now saying, all bags are 20 pounds whether they're more or not. So that's the range.

COUNCILMEMBER SUGIMURA: Estimate then, okay. Thank you.

CHAIR KING: Okay, thank you, Member Sugimura, and thank you for your work on the posse. Oh, I'm sorry, Member Molina, you had a question.

COUNCILMEMBER MOLINA: Thank you, Chair. Yeah, I want to echo too, your...your work from what Chair King just expressed with...you know, with cleanups and everything else. That information you provided us regarding the microplastics was certainly very startling as it gets into children. Is it true microplastics...it can be absorbed from clothes as well as inhaling it through people burning rubbish or what have you?

MS. HOCKER: Yeah. When you look at how to stay away from microplastics, they're like, don't even breath around a hot material in plastic. Many of our clothing items have microplastics in them that are pretty much microscopic, and so that's definitely getting into our water supply. Yeah, we're...we're looking at fragrances, paints, microfibers in clothing, plastic fibers in clothing. We're looking at the plastic cups we drink out of...I mean, it's...it's insidious and it's...it's there. I can send you all...or I can send the Committee that study if you all are interested, as well as some other studies on microplastics in bodies.

COUNCILMEMBER MOLINA: Okay. No such thing as micro...microplastic free clothes, yeah? Because we're stuck with what we have...we got to wear.

MS. HOCKER: Cotton, hemp, or linen, you know, those are really...those are our options, cotton, hemp, or linen, possibly...I mean, anything with a stretch to it, anything that's got a give.

CHAIR KING: Maybe bamboo.

COUNCILMEMBER MOLINA: Okay. Well, thank you.

MS. HOCKER: Yeah, bamboo as well, yeah.

COUNCILMEMBER MOLINA: Okay, thanks, Chair.

CHAIR KING: Thank you for...and thanks for that question, Member Molina. That's why I drink out of a...a metal cup every time, not a plastic one. Okay, any other questions before we move on to our next testifier? Thank you so much, Ms. Hocker, and again, thank you for your work on the posse.

MS. SIEGEL: Chair, the last person in...signed up to testify is Kai Nishiki.

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CHAIR KING: Okay, good morning, Kai. Bonjour, comment allez-vous?

MS. NISHIKI: Good morning. Good morning, Chair, Committee Members. Kai Nishiki, testifying on all three items. I just wanted to start off by thanking the brave Councilmembers, Mike Molina for banning plastic bags, Elle Cochran for pushing to eliminate Styrofoam food containers, straws, and plastic utensils, and the numerous community members and groups who are really proactive in advocating for a foam-free Hawai'i. The results of these initiatives became apparent during COVID with all the take-out being done. Imagine how many clam shells and plastic bags were prevented from going into the 'āina because of those initiatives, so mahalo. I'm glad to see Lauren Blickley here from Surfrider to speak to the resolution, and I fully support that. Let's talk about tourism trash and our throw-away culture. Trash mountain, have you guys seen this? This is our latest and greatest attraction here on Maui. I think every tourist should be required to visit and experience this latest attraction since the proliferation of big box stores and the rise of domestic terrorism...oh, I mean tourism of 10 million people a year to Hawai'i. If you've been paying attention to the landscape and the changes in Kahului, you will see our growing trash mountain range. In the spirit of today's theme, bonjour, tourists should be required to take the tour de trash, and should be a mandatory educational experience. It is a frightening experience that rivals any roller coaster ride. Tourists...tourism has many hidden costs. Trash is one of them. Let's address this, including those wet wipes that are impacting our wastewater treatment facilities. If you look at a lot of the testimony, our residents who work at the resorts, lifeguards and park rangers tell stories of daily finding hundreds of boogie boards. If you add up all of the people who are saying that they...they find like ten a day, it's a huge amount. Finding boogie boards, broken coolers, and these Styrofoam coolers (*audio interference*) within, you know, a couple times of using them. I'll wrap up. And so I support all three measures today, and thank you very much for taking action on this issue of the trash that is left over from tourism. Mahalo.

CHAIR KING: Okay. Mahalo for your testimony, Ms. Nishiki, and I hope that tour de trash does come back because we did have that when Hana Steele was our recycling coordinator. We had a tour de trash, and back in the day when we used to actually make biodiesel on the landfill, we were on it. So...so for those of you who think that was a joke, that's an actual thing in the County, that tour de trash. All right, any other...any questions for our testifier? If not, well, thank you so much for your input, as always. We wish you a beautiful day.

MS. NISHIKI: Mahalo, have a great day.

CHAIR KING: Mahalo. Okay, that looks like our last testifier signed up, unless anybody's signed up in the last couple of seconds. Anybody else wishing to testify, we could go back to Jared and see if you're...if you're wanting to testify? Looks like there's an attempt to write something, but I don't...I don't know. Well, we can say we went...we went to Jared twice, so we...we tried and sorry we couldn't get the testimony, but if there are no other testifiers on the line, are there any objections to closing testimony and accepting written testimony into the record?

COUNCILMEMBERS: No objections.

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**COUNCILMEMBERS VOICED NO OBJECTIONS**

CHAIR KING: Thank you, Members.

**. . .END OF PUBLIC TESTIMONY. . .**

**CARE-48: BREAK FREE FROM PLASTIC POLLUTION ACT (CC 21-223)**

CHAIR KING: All right, we'll dive right into our agenda then, and the first item on our agenda is the Break Free from Plastic Pollution Act, which is CARE-48. So Members, today we have before us County Communication 21-223 related to the Break Free from Plastic Pollution Act. We also have correspondence I submitted to the Committee on June 10th, 2021, transmitting a proposed resolution entitled, "REQUESTING THE STATE'S CONGRESSIONAL DELEGATION TO SUPPORT REDUCING THE PRODUCTION AND USE OF CERTAIN SINGLE-USE PLASTIC PRODUCTS." The original County Communication came from Chair Alice Lee, and I believe that came from Pacific Whale Foundation, so thank you both for that. The purposes of the proposed resolution are to express the Council's support for the Break Free from Plastic Pollution pending before the 117th Congress, and to urge Hawai'i's Congressional delegation to also support the act. And of course, we'd love to send Member Paltin off to France having approved this...this resolution. At this time, Congressman Ed Case and Kaiali'i Kahele are co-sponsors of the House version of this bill. The Break Free from Plastic Pollution Act of 2021 builds on successful Statewide laws across the U.S. and outlines practical plastic reduction strategies to realize a healthier, more sustainable, equitable future. It represents the most comprehensive set of policy solutions to the plastic pollution crisis ever introduced in Congress. Today we have with us Lauren Blickley, Surfrider Foundation's Hawai'i Regional Manager. With the body's approval, she will be designated as a resource person to give us a presentation on the Break Free from Plastic Pollution Act, and single-use plastics' negative impact on the environment, and provide comments on the proposed resolution. We also just asked Shelby to act as a resource person. So at this point, I'd like to designate both of these ladies as resource persons pursuant to Rule 18(A) of the Rules of the Council if there are no objections.

COUNCILMEMBERS: No objections.

**COUNCILMEMBERS VOICED NO OBJECTIONS**

CHAIR KING: No objections, so ordered. And from the Administration we have Deputy Director Shayne Agawa and Tamara Farnsworth of the Environmental Protection and Sustainability Division, and we also have Richelle Thomson, First Deputy Corporate Counsel, here with us today to provide comments and answer questions Members may have relating to the proposed resolution. The Mayor's Office had prior commitments this morning, but we have asked for his...him to submit his comments through the Office of Climate Change and Resiliency and Sustainability, as well as the other two bills being considered later in the meeting. As of yesterday, no responses have been received. After we hear from Ms. Blickley and Administration officials, I can ask Staff

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to display the resolution if the body so desires. Prior to accepting any motions, we can do a line-by-line review, or we can make the motion and then do the line-by-line review. All right. So I will...at this point, Members, I'd like to hand the floor over to Ms. Lauren Blickley from the Surfrider Hawai'i for her presentation. Lauren? There you are. Okay.

MS. BLICKLEY: I am here.

CHAIR KING: Would you like to share screen?

MS. BLICKLEY: Is that the best thing to do?

MS. SIEGEL: Staff can do that...can take care of that, Chair. If you just want to let me know which one I should put up first, I can go ahead.

CHAIR KING: Okay. Do you have your...

MS. BLICKLEY: Do you just want to...

CHAIR KING: Do you have more than one presentation, Lauren?

MS. BLICKLEY: No, it's just the one.

CHAIR KING: Okay. So let's put up Ms. Blickley's presentation first, then give her the floor.

MS. SIEGEL: One moment, Chair, I'll load that up now.

CHAIR KING: Okay. Thank you so much for being here. And again, congratulations on your...your second addition to your family.

MS. BLICKLEY (*PowerPoint Presentation*): Thank you. Thank you. Thank you, Mike Moran, I appreciate that shout out going way back to my maiden name "Campbell" days, before kids, before I felt like I had a lot more time, now I'm like, wow, what did I do with all that time? Should've been fighting plastic pollution even more. Thank you all so much for having me today, I really appreciate it. Like they said, my name is Lauren Blickley, I am the Hawai'i Regional Manager with Surfrider Foundation. We're a nonprofit organization, and one of our primary programs is focused on reducing plastic pollution. And just a really quick background about Surfrider Foundation, we...as Hawai'i Regional Manager, I help oversee our four active chapters here in Hawai'i, which you can see on your screen, Kaua'i, O'ahu, Maui, and we also have a chapter in Kona, and we are coastal people. That is...that is our zone. We are surfers, we are bodysurfers, we're swimmers, we're people who like to walk on the beach and even just stick our toes in the sand to watch a nice sunset. So this is the...our backyard and the area and space that we know. And increasingly over the...the past number of years, we've recognized how much plastic has now infiltrated our coastlines in our areas. So at Surfrider Foundation, our focus is protecting our ocean, waves, and beaches through our powerful activist network. And our core chapters here in Hawai'i are part of over 80 chapters that are spread through the North American continent and Puerto Rico.

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You can go to the next slide. I think you have the PDF version pulled up so just scroll down.

CHAIR KING: Okay, next slide.

MS. BLICKLEY (*PowerPoint Presentation*): You just have to scroll on that PDF. Yeah.

CHAIR KING: Nicole?

MS. SIEGEL: I've scrolled. I'm wondering if my computer is being slow.

MS. BLICKLEY: Yeah. Yes. Scrolled too far.

CHAIR KING: . . .(*inaudible*). . . you went a little too far, maybe. You go back up to the top and then scroll down one. I think that...one more. One more up. Okay.

MS. BLICKLEY (*PowerPoint Presentation*): Sorry, I sent it over as a...as a PDF just in case backup issues were needed, but...

CHAIR KING: That's okay, go ahead.

MS. BLICKLEY (*PowerPoint Presentation*): We'll go from here. You know, to be honest, I don't know if I have much additional to say about the plastic pollution issue that all of the testifiers haven't already shared with you all. And I put this picture up, and there's just...there's so much that we could say about this. And then as I found myself sort of running through this last night, I realized, you know, again, a picture is worth a thousand words. What doesn't this picture already say that I can't say, but I've also noticed that in the over ten years that I've been working specifically on this issue of plastic pollution, how sometimes I just become very numb to these types of pictures. I...they're...they're becoming so commonplace. And if you take a look at the front of your...of that picture, you see those three little coconuts, and those are like the three little coconuts of hope I think because that's what our beaches should look like. Even 50 years ago . . .

CHAIR KING: And can you tell us where this is, Lauren?

MS. BLICKLEY (*PowerPoint Presentation*): Yes, this is...this is actually Kamilo Point. This is on the South Side of Hawai'i Island. I have pictures from Maui in just a minute, but I...I felt that this was just...just such a stark realization of...of our toxic relationship that we have with plastic and...and such is the toxic dependency that we've come to have. And so like I was saying, those...those three little coconuts are coconuts of hope, that's what our beaches looked like 50 years ago...30 years ago, we would have never been able to imagine this. Our beaches are supposed to be filled with natural materials, coconut, driftwood, rocks, sand, life, right, crabs and turtles. And when you take a look at this picture, it...it can seem very overwhelming and very daunting. I gave myself some kudos this past weekend, took my girls to their first beach cleanup. I have a three-month old, and a two-year old, and I took them to the first beach cleanup we've been to in a very long time since the pandemic, and I was giving myself a pat on the

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back, like good job, mom. You know, getting them started as environmental stewards early. And then I was thinking later, I was like, how sad is it that that's what I...you know, I take them to the beach to enjoy, but then I also take them to the beach to clean. And I think that's where a big part of this Break from Plastic Pollution Act is coming in, and is important to talk about. Because what this act really does is shift the responsibility of addressing the waste, reducing the waste, away from our community members, away from our nonprofits, away from our local municipalities, away from our children in the next generation, and begins placing that burden on the people who need to shoulder the burden, which are our very large industrial corporations and plastic producers. You can scroll down to the next one, Nicole.

CHAIR KING: Okay, we have ten minutes for this presentation so you need to, you know, move the slides along.

MS. BLICKLEY (*PowerPoint Presentation*): Okay. So these are some pictures here from Maui County. And as you can see, there's a mix, if you look closely, from single-use plastic items such as forks, straws, bottle caps, cups, and you can see what we're talking about earlier about our microplastics. The issue with plastics, I don't need to go into a lot of depth, but it never goes away, it just gets smaller and smaller, but will always be here...every piece of plastic that's ever created will always be in here in some way, shape or form. It's a fossil fuel, it's contributing to climate change, and like I said, the burden is ultimately on us. You can scroll to the next slide. And like I said, we've kind of become numb to this, but the good thing is...is that we don't have to accept this. And I think that there's this level of acceptance that we've kind of come to have with our plastic pollution. And increasingly, we're seeing our local municipalities--thank goodness for Maui County leading in the way in Hawai'i on these issues; but at a Federal level, there's a lot that we can do, and there's a lot that the Break Free from Plastic action does and addresses that we here at the local level can't necessarily address in the full scale that we want to, such as really comprehensively addressing microplastics, and also things like fishing gear. Here's a little bit of a breakdown about what the Break Free from Plastic Pollution Act focuses on, and especially that number three where it's holding companies accountable for these products. This is a huge shift in how we're looking at how to manage waste, in addition to incentivizing really good design, and incentivizing producers to reduce the amount of plastics they're producing. These plastic producers are huge, they're multi-national corporations, they're tied to the oil industry. They profit off making more plastic, and we really need to create stronger laws and legislation to reduce that amount of plastic. And you can scroll down to the last one. A lot of the Break Free from Pollution Plastic Act, again, supports what we've been doing here in Maui County, looking at specific items that we can ban outright such as single-use straws and forks, even bags. It's shifting the responsibility. We're prohibiting our waste from being exported to developing countries, and I also wanted to highlight that last bullet point at the very bottom because this is something that's come up a couple of times during our efforts to reduce Styrofoam and polystyrene as well as single-use, which is well, what about all the fishing gear. Because you saw from those pictures, a lot of that plastic is also there, like fishing gear. And that fishing gear is such a international...national and an international issue, and when I'm talking fishing, I'm talking about these very large scale industrial fishing operations. So this Break Free from Plastic Pollution Act includes focus on how we can start taking steps



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to address the fishing gear, which will have huge implications here in Hawai'i. And so that's really...I...I guess the one other thing that I would say is that Surfrider was a part of helping support and write this legislation at a Federal level, and this legislation has been vetted by over 200 environmental organizations. There's a couple other bills that are out there right now, a lot of...that just focus on recycling at the Federal level, but there...there's a lot of loopholes and a lot of issues with those bills. This is the bill that is sort of our golden ticket, and this is the bill that environmental organizations really stand behind and believe it's comprehensive enough to really and truly start addressing the plastic pollution issue that we have. Well, I think that's really it that...that I had to summarize.

CHAIR KING: Okay, I think we can go back to...there we go. Okay. Thank you so much for that presentation, Lauren. And at this point, I'd like to get comments from the Department of Environmental Management. I'm not sure if the Deputy Director wants to make comments or turn that over to EP&S? Mr. Agawa, do you want...did you want to make some comments as well?

MR. AGAWA: Thank you, Chair. Yeah, just make a few comments, and I'll defer to Tamara who's a much, much better resource on this topic than I am. But you know, the Department does support all three of the items on the agenda. I just wanted to say...talking from the landfill side, the solid waste side, when it comes to plastics, it has the...the...one of the slowest degradation rates, so it's a main contributor to our air space and...as well as foam. And the other thing, what I discussed with our Solid Waste Division is when it comes to foam products, as you all know, we have a problem with wind litter at the landfill with the elevation being so high, foam being so light, behind plastic bags, that's like the second contributor to the wind litter. So that's the comment I have, and then I'll defer to Tamara for . . .*(inaudible)*. . .

CHAIR KING: Okay. Thank you so much. And thank you for being here, I really appreciate it, Deputy Director.

MR. AGAWA: You're welcome.

CHAIR KING: Okay. We'll go next to Ms. Tamara Farnsworth from Environmental Protection and Sustainability Division.

MS. FARNSWORTH: Aloha. Thank you so much for...I just learned a lot, and so I'm really thankful for that presentation. I...I didn't have a chance to research it too much before this meeting, so I'm really thankful for that, and I'm really looking forward to learning more about it and delving more *(audio interference)* it. I do think that we...this type of legislation really needs to happen at all levels, local, state, and federal. I do think that Federal legislation is going to be the very most effective because it's obviously more comprehensive and can also be addressing the national manufacturers at a much *(audio interference)* there. We did see some legislation this last legislative session with the State for EPR or the Extended Producer Responsibility product stewardship, which is sort of putting the onus and responsibility back on the manufacturers, which my understanding is this...this act really fosters a great deal of in addition to a number of more comprehensive things. I love to see that there is the aspect of the fishing litter

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being addressed in this, it's really, really important. I mean, all the legislation we're doing at the local level is addressing a lot of our land-based litter. Fishing is super, super key in terms of our marine debris that we see washing up here as well as the...you know, all the gyres and garbage patches that are in the *(audio interference)*. I love to see that, I was really happy. So I...we...I think the Department supports this, our Division supports this, and we would love to see this pass, and appreciate the focus on this *(audio interference)* moving towards reduction of plastic over all, and the number one "R" as Mr. Moran mentioned earlier is the most important *(audio interference)* in this journey of...of taking care of our *(audio interference)*. Mahalo.

CHAIR KING: All right. Thank you so much for those comments, and it's great to be able to all move forward together. And I see that Mr. Sinenci has changed his background to a very appropriate background for this Committee meeting. And so at this point, Members, what I'm going to do is, I'll just read through...for the public's edification, I'll read through the...the...the proposed resolution, and then I'm going to entertain a motion to accept this. and then we can go into the discussion and see if anyone's got any changes or any issues with this resolution. So the resolution is titled, "REQUESTING THE STATE'S CONGRESSIONAL DELEGATION TO SUPPORT REDUCING THE PRODUCTION AND USE OF CERTAIN SINGLE-USE PLASTIC PRODUCTS," whereas, according to the Countywide policy plan enacted by Ordinance 3732 on March 24th, 2010, the County of Maui's official policies are to reduce air, noise, light, land, and water pollution, as stated on page 48, and develop strategies to promote public awareness to reduce pollution and litter, and encourage residents to reduce, reuse, recycle and compost waste materials as stated on page 71; and whereas, according to a Sciencemag.org article dated October 30th, 2020, in 2016, the U.S. population produced the largest mass of plastic waste of any country in the world, and also had the largest annual per capita plastic waste generation of the top plastic generating countries; and whereas, a report published in December 2020 by the International Pollution Elimination Network and the Endocrine Society said, "plastics contain and leach hazardous chemicals" including endocrine disrupting chemicals "which disturb the body's hormone systems and can cause cancer, diabetes, reproductive disorders, and neurological damages in fetuses and children;" and whereas, in April 2021, a report of the United Nations Environment Program stated, "environmental harms disproportionately impact persons, groups, and peoples already living in vulnerable situations, including women, children, the poor, migrants, and internally displaced people, indigenous peoples, and persons with disabilities;" and whereas, the same report also said that plastic pollution poses a considerable threat to marine life, biodiversity, and ecosystems, as well as human health, safety, and local and national economies; and whereas, the Council has shown its commitment to reducing plastic pollution in Maui County by enacting Ordinance 3587 in 2008, which encourages "the use of environmentally preferable alternatives to plastic bags, such as recyclable paper bags or reusable bags;" and whereas, more recently, the Council also enacted Ordinance 4457 in 2018, and Ordinance 5084 (2020) to promote public health, reduce litter, and limit harmful materials from entering the environment by regulating and limiting the use of plastic disposable foodware; and whereas, the Pacific Whale Foundation's website says its research confirms that 70 to 90 percent of all debris found on Maui is plastic, with single-use plastics being the biggest contributor; and whereas, the State has limited waste management infrastructure, historically shipping

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much of its plastic wastes overseas, potentially further polluting underdeveloped countries with weak waste management infrastructure; and whereas, it is in the interest of the Maui County Community to protect the State's natural resources for the health of the people, economy, and the environment; and whereas, Senate Bill 984 in 2021, and House Bill 2238 (2021) will each amend the Solid Waste Disposal Act to reduce the production and use of certain single-use plastic products and packaging, improve the responsibility of producers in the design, collection, reuse, recycling, disposal of their consumer products and packaging, and prevent pollution from consumer products and packaging from entering into animal and human food chains and waterways; and whereas, both bills are pending in the 117th Congress. Now therefore, be it resolved by the Council of the County of Maui, one, that it supports Senate Bill 984 (2021) and House Bill 2238 (2021); two, that it urges the State's Congressional delegation to support amending the Solid Waste Disposal Act to reduce the production and use of certain single-use plastic products and packaging; and three, that certified copies of this resolution be transmitted to the State of Hawai'i's delegation to Congress and to the Honorable Mayor...Michael P. Victorino, Mayor, County of Maui. Okay, so that's the resolution, and does anybody feel the need to go through that or make changes to it? Or anybody want to make comments? Member Sugimura?

COUNCILMEMBER SUGIMURA: Good job on the resolution, and I fully support this...appreciate it with...as the Chair of the Infrastructure, Transportation Committee and hearing the Department and Tamara Farnsworth, I can see the value of all of this. I just wanted to amend this, Chair, if you wouldn't mind. So the title would say, "REQUESTING THE STATE OF HAWAI'I CONGRESSIONAL DELEGATION TO SUPPORT REDUCING THE PRODUCTION AND USE OF CERTAIN SINGLE-USE PLASTICS," so clarify that it's our State. And then, for certified copies, I wonder if we could formally name our Congressional delegation, so the Honorable Brian E. Schatz, Honorable Mazie Hirono...

CHAIR KING: Member...Member Sugimura, can you call...it sounds like you're making a motion for an amendment, but we need to get the motion on the floor first for the resolution. So why don't we do that, and then you can make your motion to amend. Because I think they're very good amendments, but...so at this time, I will entertain a motion...oh, do you have another comment, Member Lee, or do you...are you waiting to make the motion?

COUNCILMEMBER LEE: Waiting to make the motion.

CHAIR KING: So let me just read this. The Chair will entertain a motion to recommend adoption of the proposed resolution entitled, "REQUESTING THE STATE'S CONGRESSIONAL DELEGATION TO SUPPORT REDUCING THE PRODUCTION AND USE OF CERTAIN SINGLE-USE PLASTIC PRODUCTS," allowing the Staff to make any nonsubstantive revisions, and the filing of County Communication 21-223. Okay, now we...

COUNCILMEMBER LEE: So moved.

COUNCILMEMBER SINENCI: Second.

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CHAIR KING: Thank you. Okay, moved by Chair Alice Lee, seconded by Committee Vice-Chair Shane Sinenci. And now go to Member Sugimura, and you can propose your amendment.

COUNCILMEMBER SUGIMURA: Okay, thank you. Thanks again, by the way, to Surfrider for seeing this through and bringing it forward, and Chair Lee and Member King. So for this, I just wanted to clarify in the title, if it's okay, that "Requesting the State of Hawai'i's Congressional Delegation to Support," you know, and the rest of the title, just to give it clarity that it's our...our State. And then for certified copies of the resolution by...by hearing the depth of the resolution, I wanted to list the...our Congressional delegation, so it would be adding...and if clerk's could clarify because they've dealt with all of this more formally, but adding on...instead of saying in number three, "be it resolved"...number three, that certified copies of this resolution be transmitted to the Honorable Brian E. Schatz, Honorable... I don't know if you're supposed to say Senator...Senator Brian E. Schatz, Senator Mazie Hirono, Honorable Congressman or Representative Kaiuli Kahele, and Congressman...Honorable Congressman Ed Case, and I also wanted to add Governor David Y. Ige, State of Hawai'i, as well as the Mayor...keep that in. So if you could just delete from that number three, "State of Hawai'i's delegation"...say who they are in name, and also add to this, Governor David Y. Ige because I think it would be all legislative groups should support this.

CHAIR KING: Thank you for that. And that...that is a motion for amendment seconded by Committee Vice-Chair Shane Sinenci. Just as a friendly amendment, we could add on U.S. Senator and U.S. Representative just to --

COUNCILMEMBER SUGIMURA: Oh, yeah, okay.

CHAIR KING: -- make sure we're not talking about...

COUNCILMEMBER SUGIMURA: I wasn't sure what the formal...yeah.

CHAIR KING: And the Staff can make --

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR KING: -- the nonsubstantive changes. So Members, any...any discussion on the proposed amendments? I think they're pretty...Vice-Chair Sinenci?

COUNCILMEMBER SINENCI: Not on the amendments, Chair, thank you.

CHAIR KING: Okay. If not...oh, would you like to add anything to the amendment?

COUNCILMEMBER SUGIMURA: No, I'm just thinking this through then. Did you want to also send this to...because it would involve the State, I think, to get behind this? So Senator Kouichi, who's Senate President, as well as Speaker Saiki from the House side. So we could add them on too, and then add in after that...would be the County. So kind of in level of...

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CHAIR KING: And maybe in between that we could add on HSAC too, because if we can get all four Counties on board, that would be making it even stronger, so...

COUNCILMEMBER SUGIMURA: Good idea.

CHAIR KING: Okay.

COUNCILMEMBER SUGIMURA: Good idea, yeah.

CHAIR KING: Okay, so any...so that...that's friendly amendments. Any issue with that, Member Sinenci, with this as a seconder...those friendly amendments? Okay. It's supported. All right. Any comments or concerns? If not, I'll call for the question on the amendments that were proposed. All those in favor, raise your hand and say, "aye".

COUNCILMEMBERS: Aye.

CHAIR KING: Okay, all those...oh, that's unanimous.

**VOTE: AYES: Chair King, Vice-Chair Sinenci, Councilmembers Johnson, Lee, Molina, Paltin, and Sugimura.**

**NOES:   None.**

**ABSTAIN:     None.**

**ABSENT: None.**

**EXC.: None.**

**MOTION CARRIED.**

**ACTION: APPROVED AMENDMENT.**

CHAIR KING: Okay, the amendment's passed unanimously, 7-0, so we're back to the main motion. Any comments on the main motion or discussion? All right, Committee Vice-Chair Sinenci, followed by Member Lee.

VICE-CHAIR SINENCI: Mahalo, Chair for my opportunity. And yeah, I just wanted to speak about the...the second to the last...or the third to the last whereas, where...where it specifically states, potentially further polluting underdeveloped countries with weak waste management infrastructure. And that comes to mind the Hōkūle'a crew when they were visiting some of that atoll countries, they did not have any dump sites. So when they tried to walk off the canoes with their trash, they were turned back, we don't have any trash...anything on the islands because we...because there's no room for it. So what they would see on some of the ferries that go between the different islands is that they'll hit a...a large tidal surge, and then the Captain would come on the loud

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speaker and say, "okay, go ahead and throw your trash off now." So it was a regular practice for these underdeveloped countries to just hoist their trash out into the ocean where there was these huge tides that would just take them out to sea. So I definitely support it because this really hits home. A lot of these undeveloped countries do not have wastewater infrastructure, yet we're...we're sending...or there a lot of plastics to these small ocean countries. So I just wanted to share that, that it's definitely a concern. Mahalo, Chair.

CHAIR KING: Wow, thank you so much for those comments. It kind of makes me think that we should add the Polynesian Voyaging Society to the list of recipients of this. Does anybody have any objections to that friendly amendment? . . . *(inaudible)*. . .

COUNCILMEMBERS: No objections.

**COUNCILMEMBERS VOICED NO OBJECTIONS**

CHAIR KING: Okay, so we'll add on Polynesian Voyaging Society too, and maybe specifically Nainoa Thompson since he's the leader of that...of the Hōkūle'a expeditions right now. Okay, Council Chair Lee, comments? Thank you for bringing *(audio interference)* to the floor.

COUNCILMEMBER LEE: Thank you, Chair for expediting this very significant resolution, and for assembling, you know, excellent resources to help enlighten us on this subject. I just want to acknowledge not only the Surfrider Foundation, but also the Pacific Whale Foundation, who actually sent a letter to our Council first. So acknowledging all the people involved with this, and thanking you...thanking them for bringing this to our attention, and allowing us to help support it. Thank you.

CHAIR KING: Okay. Mahalo for those words. And yes, there's a lot of other organizations that we could have here if we...if we had the entire three hours to just work on this issue, but you know, definitely Mālama Maui Nui, who has been doing cleanups on what seems like...Shane Sinenci has behind him there on the screen. Okay. So if there's no other comments on this for discussion, I will call for the question. All those in favor of the motion . . . *(inaudible)*. . .

MS. SIEGEL: Chair?

CHAIR KING: Oh, I'm sorry, Rayna?

MS. SIEGEL: This is Nicole...Staff. I don't recall a vote on the amendment.

CHAIR KING: Oh, yeah, we did...we took a vote on the amendment.

MS. SIEGEL: Oh, okay. My apologies.

CHAIR KING: Yeah. Okay, so we're back to the...and you caught...you got all the amendments for the additional names for transmittal?

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MS. SIEGEL: Yes, Chair. Staff has all of the amendments.

CHAIR KING: Okay, great. All right. So at this point, all those in favor of the main motion on the floor to support this resolution and...and then hopefully we can send off Member Paltin to her conference in Paris with this...this great resolution...say "aye"...raise your hand and say "aye".

COUNCILMEMBERS: Aye.

CHAIR KING: Okay, it's unanimous, 7 ayes, 0 noes.

**VOTE: AYES: Chair King, Vice-Chair Sinenci, Councilmembers Johnson, Lee, Molina, Paltin, and Sugimura.**

**NOES:** None.

**ABSTAIN:     None.**

**ABSENT: None.**

**EXC.: None.**

**MOTION CARRIED.**

**ACTION: Recommending ADOPTION of revised resolution and FILING of communication.**

CHAIR KING: And thank you for standing by Ms. Shelby Serra, we...we're able to move ahead on this, but you're certainly a key part of this resolution by presenting this information to our Council Chair. So appreciate that, and thank you so much for...to Lauren Blickley for your presentation. We are excited to move on...move forward on this. Okay.

MS. BLICKLEY: Thank you so much, Council, appreciate it.

CHAIR KING: Okay. And then...so the motion passes, and we'll file the communication. And we'll move on to our next item, which is prohibiting the sale and rental of disposable bodyboards, CARE-34.

**CARE-34: PROHIBITING THE SALE AND RENTAL OF DISPOSABLE BODYBOARDS**  
(CC 20-526)

CHAIR KING: So today we have before us County Communication 20-526 from Councilmember Tamara Paltin transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE PROHIBITING THE SALE AND RENTAL OF DISPOSABLE BODYBOARDS." The purposes of this proposed bill is to regulate sale and rental of disposable bodyboards and encourage the use of environmentally preferred

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alternatives. I'd like to start by giving the floor to Councilmember Tamara Paltin, who submitted the proposed bill being considered today. And from the Administration, we still have DEM here to make comments, and we also have our Corp. Counsel if we have any...legal questions. After we hear from Councilmember Paltin and Administration officials, we can ask the Staff to display the bill if anyone would like to go through it line-by-line; but at this point, I will hand it over to former...former lifeguard and now Councilmember from West Maui, Member Paltin, take it away.

COUNCILMEMBER PALTIN: Thank you, Chair. Yeah, in my...my former profession, you know, if there was any size of swell and there were a lot of tourists out, after the swell the entire beach would be littered with at least, you know, four to five broken Styrofoam boogie boards and, you know, nobody would even pick them up and bring them to the trash can, you know, and then...then once they got to the trash can, they don't fit in the trash can, so they're left like on the side of the trash can, and you know, Maui's windy, so it...it doesn't really stay there unless you leash it to the trash can. And you know, a real turning point for me was when I started to see Morey boogie boards piling up at the trash can. It used to be just, you know, those soft cloth covered Styrofoam boogies, but then I did a little research, like what's up with all these Morey boogie boards? You know, Morey was a big name in boogieing. And I guess the family sold the name to either Wham-O or Intersport or something, and then they started pumping out these...these cheap boogies that were living on the quality and the name of Morey, you know? And...and nobody knew any better, they're like those are Morey boards at Costco for cheap, you know, and they're really...because it's a cheap product, and you know, I know some of the detractors have said that, you know, a lot of kids use these cheap, junk boards but, you know, a quick internet search will show you...you can...you can buy like a real kick board that's more durable for like 12 bucks or something if you...if you want to get a cheap option for your kids that'll last, or you know, as some of the testifiers said, it could start up businesses with quality boogie boards. So it's not like the boogie that we're trying to ban, it's the cheap boogie that leaves a lot of rubbish, you know? And...and like they said, it doesn't degrade. These types of products, Styrofoam plastic, I mean, it...it hasn't been around for like 400 years even. It hasn't been around for 150 years. And the effects that we're seeing and the buildup in the landfill, the hidden costs to the community of all this rubbish that we're going to have to expand the landfill, it just kind of made sense, you know, and it's kind of a raise an awareness kind of issue. If you've ever tried to ride a broken boogie, it's kind of dangerous. You could break your back. And you know, the durable boogie boards are...have been defined by the...the lawyers, and the disposable boards are just strictly polystyrene, so you know...Kai Nishiki made a post the other day...kind of went viral, so I think there's a lot of community support. I think if you're trying to talk your...

CHAIR KING: Member...yeah, yeah, no, I just...I just wondered if you...you're...you're giving all the great points for debate, but we haven't got to the motion on the floor yet. And I wondered if you wanted to go over the actual bill that you're proposing so we can get comments from the Administration, or...or --

COUNCILMEMBER PALTIN: Sure.



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CHAIR KING: I can go through it, but it's the 20.18.010.

COUNCILMEMBER PALTIN: Yeah, so --

CHAIR KING: Okay.

COUNCILMEMBER PALTIN: -- a disposable bodyboard means a bodyboard with a polystyrene foam core versus a durable bodyboard, which means a one-piece compression molded, high-density polyethylene or polypropylene bodyboard. Some guys don't even like any boogie boards, but polystyrene foam means blown polystyrene and expanded and extruded forms that are thermoplastic petrochemical materials, using a styrene monomer and processed by techniques, including fusion of polymer spheres, expanded bead polystyrene injection molding, foam molding, and extrusion-blown molding, extruded foam polystyrene. Polystyrene foam does not include clear or solid polystyrene-oriented polystyrene. So it's, you know, pointing out the differences between these cheaply made boards that weren't really intended for wave riding because they break apart in like a one-foot wave, versus like a real legit boogie board that's meant to hold up to...that's meant to be used as a boogie board. And Ms. Thomson from Corp. Counsel did work with us on this bill and signed off as to form and legality, so all we got to do is take the vote, I guess.

CHAIR KING: Okay, great. Okay. Well, the bill is before us, and there are...there are changes, some of its grammatical and some of its punctuation, but the...the real meat of it is in the definitions, and adding the disposable bodyboard restrictions to 20.18.040. And the last bullet point under there or "c" is "businesses are prohibited from selling or renting disposable bodyboards." So the next section is about violation and penalties, which just changes the wording to say, "fines collected in accordance with this chapter must be deposited into environmental protection, sustainability funds." So at this point, let me see...let me get comments from the Department and Mr. Agawa or Ms. Farnsworth...we have our Deputy Director here again. Mr. Agawa, do you have any comments on this bill? I know you said you supported it earlier, but anything specific?

MR. AGAWA: Yeah. Thank you, Chair. I guess I was a little...I jumped the gun a little and I commented on all three items, but nothing to add from what I said earlier, but we do support this item as well.

CHAIR KING: Okay. Feel free to jump the gun anytime you're going to support what we're doing. All right, Ms. Farnsworth, any particular comments...specific comments on this bill?

MS. FARNSWORTH: I...I think not too many. I think that ultimately, like I said earlier, the first "R" reduce, is the number one *(audio interference)* for...for best waste management. . . .*(inaudible)*. . .

CHAIR KING: I'm assuming...I'm assuming you're okay with the fines collected going into environmental protection, sustainability versus open space funds. That's one of the changes . . .*(inaudible)*. . .

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MS. FARNSWORTH: Sure, I would say that as the agency who is...it sounds like will be responsible for implementing and enforcing, and we're very happy to do so should this body pass (*audio interference*). Yeah, so great. Please, funding is very helpful for develop...you know, for the implementation (*audio interference*).

CHAIR KING: Okay, (*audio interference*) for those comments, appreciate that, and we also had sent this to the Office of Climate Change, Resiliency, and Sustainability. Haven't heard back from them yet, but any...let's...let's...any Council...any Committee Members have any comments? Councilmember Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. I can certainly support this proposed legislation from my colleague from West Maui. Just a question on enforcement and jurisdiction. So now this bill prohibits the sale and also now...say if I'm in Nāpili Bay, I have one of these Styrofoam or whatever...styrene...whatever...what have you...boards. Tamara sees me. Who do...who do...who does she go to to have me cited? Would that be DLNR or our Parks?

CHAIR KING: Okay, let's . . .(*inaudible*). . . our resident lifeguard can answer that. Member Paltin?

COUNCILMEMBER PALTIN: Oh, I just...I don't believe the bill...I...I specifically didn't ban the usage of it.

COUNCILMEMBER MOLINA: Oh, just the sale. Okay.

COUNCILMEMBER PALTIN: But just the sale and rental of it because, you know, you figure if somebody has a board from the 1990s and somehow they've managed to keep it...or even 2021, they've managed to keep it intact and they still want to use it, I don't want to force them to add to our landfill, you know what I mean? So if people still have these and by some miracle they still work, by all means go ahead and use them until they break, you know. But adding on new sales or buying them to rent them out, it's...it's kind of like a...we don't want to add more to the landfill type of thing if it's just going to break so easily, and if...if they have one that lasts so long, they probably aren't using it in waves.

COUNCILMEMBER MOLINA: Well, thank you for that clarification, because I would like to disclose that my two kids...we still have two boogie boards sitting there in the storage closet for the last 20 years, of course, they're all grown up, but...okay, good, good. So that --

CHAIR KING: I just --

COUNCILMEMBER MOLINA: -- is just more, more just banning the sale.

CHAIR KING: I guess the question would be...the answer to your question might be somebody needs to ask you where you got your boogie board.

COUNCILMEMBER MOLINA: Yeah, I...

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CHAIR KING: So...or, you know, you've had them for 20 years.

COUNCILMEMBER MOLINA: I think it was from Kmart when we had a Kmart back then, long time ago.

CHAIR KING: Folks are walking around with foam boogie boards on the beach, we do need to know if they bought them or rented them because that would be the violation.

COUNCILMEMBER MOLINA: Good point. Okay. Thank you, Madam Chair.

CHAIR KING: Okay, thank you for that question. All right, Committee Vice-Chair Sinenci followed by Member Sugimura.

VICE-CHAIR SINENCI: Mahalo, Chair. I just had a question for Ms. Tamara Farnsworth for the plastic food...single-use plastic foodware. We did have to create some administrative rules. Is...is this case...is that...this require an administrative rule?

CHAIR KING: Ms. Farnsworth?

MS. FARNSWORTH: I would defer to *(audio interference)* on that.

CHAIR KING: To who? You broke up a little bit there.

MS. FARNSWORTH: To Richelle Thomson.

CHAIR KING: Oh, okay.

MS. FARNSWORTH: Ms. Thomson.

VICE-CHAIR SINENCI: I'm just looking at 2018. It does say that the Director shall after...and shall adopt administrative rules pursuant to Chapter 91.

CHAIR KING: Okay, so we'll check in with Corp. Counsel. Ms. Thomson, are you there?

MS. THOMSON: Hi, Chair. Thank you.

CHAIR KING: You're welcome.

MS. THOMSON: The...in terms of creating administrative rules *(audio interference)* can if they found it's necessary to flesh out this specifically, like the enforcement plan. But the...the ordinance is...is pretty clear on its face, you know, it's banning the sale and rental. So, you know, administrative rules may not be necessary to be able to affect the purpose.

VICE-CHAIR SINENCI: Okay. Thank you for that clarification. Thank you, Chair.

CHAIR KING: Thank you. Okay, Ms. Thomson. All right, any other...oh, Member Sugimura?

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COUNCILMEMBER SUGIMURA: So going back to Member Molina's question on enforcement then, so Member Molina is on the beach, and he finds a rental company, and they're using these illegal boards. So he wants to report them to Tamara as a lifeguard, but she's not the ultimate force on that enforcement. So who...who's doing enforcement, or who would...who would we call in case we run into a situation like that?

CHAIR KING: Okay, I'm going to put that question to Ms. Farnsworth again because I think that would be the enforcing division or agency?

MS. FARNSWORTH: I...I think that would be our office then, as the enforcement agency. So in this case...I mean, we would (*audio interference*) someone phone our office, perhaps the recycling hotline at 270-7880 or go to our (*audio interference*).

CHAIR KING: And we can certainly put out a press release if...if this passes full Council, then we can put out a press release and --

MS. FARNSWORTH: And absolutely, we would certainly do . . . (*inaudible*). . .

CHAIR KING: -- put that hotline number on there for folks.

MS. FARNSWORTH: Yeah, absolutely add that to our...our educational outreach.

CHAIR KING: Okay, great. That answer your question, Member Sugimura?

COUNCILMEMBER SUGIMURA: Yeah. Thank you very much.

CHAIR KING: Excellent question. Okay, any other questions or comments or discussion on this item? Member Molina?

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. Staying on that topic of enforcement, it kind of brings to mind with the...the plastic bag, it's more complaint driven, yeah? So this way if somebody sees a rental company, you know, renting out these types of boards, they would call Environmental Management. And I think Environmental Management handles the plastic bag complaints too, yeah, from retailers, so...so same...think they were, yeah...I guess, Member Paltin, yeah? Complaint driven, and you guys go out. So you guys not only going to be the plastic bag police, you guys going to be the board police so to speak, yeah, enforcement agency.

CHAIR KING: We'll just call them plastic police.

COUNCILMEMBER MOLINA: Yeah, plastic police, yeah.

CHAIR KING: Everything plastic.

COUNCILMEMBER MOLINA: Yeah, yeah, yeah.

CHAIR KING: Okay, So thank you for that comment, Member Molina. You certainly have a

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background in the...the way we're going, you know. You started back with the plastic bag ban. Ms. Farnsworth?

MS. FARNSWORTH: I would just...I...I would just say possibly the plastic protection unit, something like that, than police.

CHAIR KING: Oh, I like that. Okay. Plastic Prevention Posse, we could say that, then you'd be the PPP. Okay, Member Paltin?

COUNCILMEMBER PALTIN: Yeah. To answer Member Molina's question, you know, the real intent is to get these types of boards to stop being sold in Maui County, in a Longs or Walmart or Costco, and once they're stop being sold, then the rent...stop being renting would be the logical follow through. If you can't buy them here, then you can't buy them to rent them out. And it's not to like, you know, promote those types of like super expensive boogie boards, like the Hubbard or a Number Six or Element or anything, it's just, you know, the...the...like intended use and the manufacturing of it, it can be a no name brand board, but it has to just hold up to...to the use...intended usage.

CHAIR KING: Yeah. And I think that...thank you for that comment, Member Paltin. And...and I think just business-wise, it makes more sense. Why would you rent out something that a renter could break, then you don't have it to keep...continue renting out, why would you not, you know, buy something more sturdy that you could rent out multiple times. So it doesn't even make sense for any of these beach activities to rent out disposable boards from a business aspect. So Members, if there's no more discussion, then I'll entertain a motion to recommend it...recommend passage on first reading of the proposed bill entitled, "A BILL FOR AN ORDINANCE PROHIBITING THE SALE AND RENTAL OF DISPOSABLE BODYBOARDS," allowing the Staff to make any nonsubstantive revisions, and filing of Communication 21-526.

COUNCILMEMBER PALTIN: So moved.

COUNCILMEMBER MOLINA: Second.

CHAIR KING: Okay, moved by Member Paltin, seconded by Member Molina, you had your hand up first. And any further discussion or . . . *(inaudible)*. . . Committee Vice-Chair Sinenci?

VICE-CHAIR SINENCI: Mahalo, Chair. I just wanted to mahalo Councilmember Paltin for pushing this through. I know it landed in my Committee last year, and I'm sorry we couldn't take it up as quickly as Chair King, so I also wanted to mahalo Chair King for bringing it up. So I wanted to support it. I think our predecessors has already set up the standard by polystyrene...banning polystyrene cups and take out containers, this naturally is the next polystyrene foam that we want to go ahead in support of our environment. Mahalo, Chair.

CHAIR KING: Okay. And...and also, you know, mahalo to you Member Sinenci too for, you know, continuing with the plastic foodware bill when we got that done last term. I think next I saw Member Sugimura, followed by Member Johnson.

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COUNCILMEMBER SUGIMURA: Thank you. I want to make an amendment to this...this...thank you very much, Tamara. I wanted to...based upon your opening statement, I wanted to clarify, under definitions...and maybe at some point we won't need it anymore because people will not know what boogie boards are, but under disposable bodyboard, I wonder if you wouldn't mind a friendly amendment to add on the...add in that sentence, "commonly known as boogie boards," just because that, I think, is what we look at as...as this foam boards that we've been seeing for years that's in Member Molina's storage. So I wonder if you wouldn't mind if we made a friendly amendment, adding that...add that to your definition for the disposable bodyboard. These bodyboard...

CHAIR KING: Go ahead and just make that...make that proposal (*audio interference*) propose the amendment.

COUNCILMEMBER SUGIMURA: So in 20.18.020 under definitions, "disposable bodyboard means a bodyboard with a polystyrene foam core also known"...or "commonly known as boogie boards." Is that correct, Tamara? They're commonly known as?

COUNCILMEMBER PALTIN: Yeah.

COUNCILMEMBER SUGIMURA: Oh, here's Richelle.

COUNCILMEMBER PALTIN: Oh, as long as it's okay with Corp. Counsel, I'm cool with it.

CHAIR KING: Okay.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR KING: Ms. Thomson?

MS. THOMSON: Thank you. The only concern that I might have is, boogie board--capitalized Boogie Board--is...is a trade name (*audio interference*) and I don't know that it would...we might run into some trouble there. So my suggestion would be to not include that --

COUNCILMEMBER SUGIMURA: Okay.

MS. THOMSON: -- if you use that as an educational tool though with Tamara's group because there's a year before this would go into effect, so there is some time to get out the word to the retailers.

COUNCILMEMBER SUGIMURA: Okay. I withdraw my amendment. Thank you. Thanks for that clarification.

CHAIR KING: Thanks for bringing that up because it's a good clarification. Any other comments? And by the way, I just got a text from Staff that the notes were wrong, so we're not filing Communication 21-526, it's Communication 20-526, so it's from last

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year. Member Johnson, followed by Member Lee.

COUNCILMEMBER JOHNSON: Thank you, Chair. I stand in strong support of the reso [sic]. And I just want to, you know, commend the body from the long history that led us here, and I...I know a lot of us has spoke to how we got here, but wouldn't...Councilmember Molina's Styrofoam ban...or I mean, the plastic bag ban, and it's just gone on to this. And now I think that would...the narrative is now, hey, these are bad things, we got to get rid of them. Before, I remember watching the testimony and how everybody was clutching their pearls...at the end...it's the end of the world with these plastic bags and nowadays, it's almost like a given, like yeah, we need the aloha 'āina, we need to take care of...of this...of our ocean and lands. And so I...I'm so glad that the...I'm...I'm here to bear witness, you know, to watch this body evolve into more...this is common sense legislation, you know, so we don't have a big rise up, and you know, people feigning death over...over regulations. So I'm...I'm a...I'm really a big fan of this reso [sic], and I...I...I just want to, you know, thank all of you folks who brought us to this point. So that's it for me, Chair. Aloha.

CHAIR KING: Okay. Thank you. And this is actually an ordinance change, but –

COUNCILMEMBER JOHNSON: . . . *(inaudible)* . . . yeah, okay.

CHAIR KING: . . . *(inaudible)*. . . and yes...yeah, I think we have come a long way to the point where...and you know, sometimes there's unintended consequences in a good way, and one of those with the plastic bag ban is that now the stores can make money selling reusable bags with their logos on it. So we've seen it actually benefit the businesses. They don't have to provide free plastic bags, so they're actually saving money there too. And...and so that...that...that, you know, clutching the pearls and saying it's the end of the world went to oh, wow, this is really good for us.

COUNCILMEMBER JOHNSON: Yeah.

CHAIR KING: Okay. Thank you so much for those comments. Member Lee?

COUNCILMEMBER LEE: Thank you, Madam Chair. I just wanted to also follow up on the comments by Member Sinenci. I noticed that this Communication is dated October 16th, 2020, so I'm glad...I'm so happy when...when some of you are busy, you move some of your issues...your items out to another committee so that there's follow up and follow through. So thank you, congratulations.

CHAIR KING: Okay. Thank you. And I don't know if you've noticed from being on this Committee, which I'm really happy that you are, Alice, that I try to make meetings that have a theme, so...you know, so I could put things together and everything makes sense. So this is our plastic pollution prevention day.

COUNCILMEMBER LEE: Yes, I have noticed. Thank you.

CHAIR KING: Thank you for those comments. Member Molina?

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COUNCILMEMBER MOLINA: Thank you, Madam Chair. I stand in full support of this cutting edge legislation proposed by Member Paltin, and I hope she can take this legislation over to France and share with the French people too, if...if they don't have any type of legislation like this. But like you said earlier, Chair, that we have come a long way in addressing plastics, and Maui County has certainly...over the years has been at the forefront, and all of our sister counties have followed suit. So there's another one, just a great example. So looking forward to this, and thank you again to Member Paltin, and thanks for the education on bodyboards and all of that stuff too. I think we're getting a...those of us who are not well versed with the water, we're getting a good education. And also, to all the environmental organizations too, who have come out and expressed their support for all of our legislation over the years. Thank you, Madam Chair.

COUNCILMEMBERS: Aye.

**VOTE:**       **AYES:**   Chair King, Vice-Chair Sinenci, Councilmembers Johnson, Lee, Molina, Paltin, and Sugimura.

**EXC.:** None.

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CHAIR KING: Thank you very much, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Members.

CHAIR KING: And it's 10:34 so I'd like to ahead and take a ten-minute break before we come back and deal with the third item, or would you like...would you folks like to just go into the third item? Up to you.

COUNCILMEMBER LEE: I think we're on a roll.

CHAIR KING: Okay, let's go ahead and head...head onto the third and final item, which is Plastic Disposable Foodware or CARE-29.

**CARE-29: PLASTIC DISPOSABLE FOODWARE (CC 18-430)**

CHAIR KING: So today we have before us County Communication 18-430 from Councilmember Elle Cochran, transmitting a proposed bill relating to restricting the use and sale of single-use plastic disposable foodware. We also have before us correspondence dated June 23, 2021, from the Department of the Corporation Counsel, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.26, MAUI COUNTY CODE RESTRICTING THE USE AND SALE OF FOAM COOLERS." The bill would one, update the definition of plastic disposable foodware to include foam coolers; two, regulate and limit foam coolers; and three, encourage the use of nonpolystyrene coolers. On December 4th, 2019, the Honolulu City Council passed Bill 40, which restricts the use of single-use...use of single-use plastic goods and plastic bags, and on December 15th, 2019, their Mayor signed the bill into law. By Ordinance 4457 (2017), the Maui County Council prohibited polystyrene foam food-service containers. Back then, that...that definition did not include coolers or ice chests, and my ordinance 5084 (2020), the Maui County Council, extended the ban to plastic disposable foodware. The intent behind this proposed bill is to include polystyrene foam coolers and ice chests, further promoting public health, reducing litter, and limiting harmful materials from entering the environment. Today from the Administration, we have Shayne Agawa, Deputy Director of Environmental Management; Tamara Farnsworth, Recycling Coordinator, and Richelle Thomson, First Deputy Corporation Counsel, here to provide comments and answer any questions that Members might have, and we'll look at the bill after we hear from Administration officials. So first of all, I'd like to ask DEM Deputy Director Shayne Agawa, if you have any comments.

MR. AGAWA: No additional comments to my earlier comments. Thank you, Chair.

CHAIR KING: Okay, okay. Thank you...thank you for your support. And Tamara Farnsworth, you have comments on the bill?

MS. FARNSWORTH: Yes, I do. Thank you. So first, I want to say that the Ordinance 5084, the Plastic Disposable Foodware Ban ordinance, does actually remove the exemption

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for foam coolers. And it was our understanding, which was clarified last night by Richelle Thomson, that there's...it's now in a gray area of not being exempted from being banned, but also not explicitly banned. And so that's something we actually need to change in our understanding right now, or maybe not, as this is being...may be passed today. But I do believe that Ms. Thomson also has some comments as to the effective date on it and the best way to implement that. And I wanted to take this opportunity also to mention our plastic free new website, which is [mauicounty.gov/plasticfree](http://mauicounty.gov/plasticfree), and this is in relation to the existing Ordinance 5084. And currently we have...we're...we're removing this today, I hope. It does talk about the foam coolers, so we...I...I did want to just offer up that...that information about our website, [mauicounty.gov/plasticfree](http://mauicounty.gov/plasticfree). So it is our latest educational resource for the existing ordinance. And yeah, we support this, and again, happy to get ready to implement and enforce, and after today, provide the...the proper information.

CHAIR KING: Okay great, great. Thank you. Well, I'm sure you're providing the proper information, we're just going to hopefully change what that information is. So...so Members, the...the...in the definitions, it says "foam cooler," this is the change that's being added, "foam cooler means polystyrene foam coolers and ice chests where such foam is not fully encased in another impermeable material by its original manufacturer in which any foods or beverages are placed or packaged or intended to be placed or packaged." So the...the definition of disposable just adds, "including foam coolers," and I'll...I'll...since this was signed for form and legality by Corp. Counsel, I'll see if Corp. Counsel has any comments as to any portions of the bill, including the fact that this takes effect upon approval. Ms. Thomson?

MS. THOMSON: Thank you, Chair. Just a couple of quick comments. As you mentioned, this amendment would take effect on approval, and the plastic foodware ordinance that Tamara mentioned, that does take effect on January 1st, 2022, so you might want to consider making the effective date match up and be January 1st, 2022 as...just for...it's...there's nothing legal one way or another, but just for enforcement consideration and education, it might be better to line it up. The other thing I wanted to point out that may not be clear just from reading this amendment is that this...the language in the existing ordinance that would prohibit not only the sale, but also the use of foam coolers. So unlike the...the boogie board ordinance that we just talked about which is prohibiting sale or rental, this would prohibit the sale and use by anyone of coolers. So just make (*audio interference*) your intention. That's it for now. Thank you.

CHAIR KING: Okay, great. Thank you for those comments. And maybe we can get...since OCS also worked on this bill, just...do you have...Mr. Forrest or Mr. Raatz, if you wanted to comment on the effective date?

MR. FORREST: Hi, Chair King, this James Forrest.

CHAIR KING: Okay. Thank you, go ahead.

MR. FORREST: I...I agree with Corp. Counsel in that, you know, it's primarily a policy decision, and...and so I don't see a legal issue that...that we would have with it. Yeah,

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either way that you guys decide, I...I can look into it further if you would like, but I...I feel like, you know, this is a policy decision that you guys can decide for yourselves.

CHAIR KING: So if it's true that the actual...the code about single-use plastic...plastics doesn't go into effect until 2022, then would it be best to align this bill with that date? Or if we just keep it as is, it won't...it won't go into effect anyway until next January? Mr. Forrest?

MR. FORREST: I think I...I think I just need a little bit of time to get you a more accurate answer. This is the first time I've seen this one, so let me get back to you, I don't know . . .*(inaudible)*. . . --

CHAIR KING: Oh, yeah . . .*(inaudible)*. . .yeah, it might be Remi or David that worked on this bill. So if you could...well, that...you know, that would be...that...that's kind of an important point of when it goes into effect, so if you can get back to us in...in...with potential wording to change that, that would be helpful.

MR. FORREST: Okay.

CHAIR KING: Okay, Members...thank you. And Members, questions for any of our resources? Member Molina?

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. Not so much for our resources, but for you or even Member Paltin on the previous bill. Was there any push back from the business community on any of this legislation? Because I recall the plastic bag, when that was first proposed, I mean, I had the Walmarts and the Kmart's just coming down on me about it. But as it relates to this bill and any...no...no...no complaints from the business community?

CHAIR KING: No, we haven't...I haven't gotten any complaints. I don't know if Member Paltin has, but I haven't gotten any push back against these bills, and I think it has to do with what we've been discussing. We've come a long way, you know, and you know, this has been an ongoing message, so I haven't seen it myself.

COUNCILMEMBER MOLINA: That's good to hear.

CHAIR KING: Chair Lee, do you have a comment about that because I think we had a next...Member Sinenci that...he had a comment about that.

COUNCILMEMBER LEE: About what?

CHAIR KING: About any push back?

COUNCILMEMBER LEE: Oh, no, no. I was going to suggest that we move forward with the effective date of January 1st, 2022 to be consistent.

CHAIR KING: Okay. We don't...we don't have a motion on the floor right now, so I was just entertaining questions, any...any questions of our resource people, and then we'll put

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the motion on the floor. Member Sugimura?

COUNCILMEMBER SUGIMURA: I just wanted to ask Ms. Thomson again, how she brought up the sale or use that would then be affected by this bill. Of course we don't want any foam coolers, but if people have foam coolers, they show up on a beach, you know, with the foam cooler, that's...they're going to be using it and they're going to be in violation of this law. So I wondered if...if Corp. Counsel had a thought on it, or could expand on that, or can see some of the problems that we would have by using the word "use" in it, or leaving the word "use" in it.

CHAIR KING: Okay. Well, I'll tell you, first of all, Member Sugimura, that the reason why I put the word "use" in it is because just having them on the beach is...is when they start...you know, we start getting those particles. And so to me, you know...and I didn't think about it in terms of the previous bill...yeah, the discussion we had on the previous bill that people might have them from years past. To me, I just thought it was just a problem to have them in use at all because they do...they do generally end up somewhere on a beach or at a park where they will deteriorate and go into our ocean. So that was my...you know, without having had this discussion about people who might've...might have coolers from ten years ago that are Styrofoam. I just didn't want to see them out and about and being used. That was my...but...so Corp. Counsel, Ms. Thomson...what was the question again, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: The word "use"...that difficulty, right? Now we have...if somebody shows up at the beach with this ice chest that they have...foam ice chest they've had for years, and this is a resident, right? This is not a business, so we would have to then clearly communicate to everybody in time. I support the January 1, 2022, so that we'll have time for education, so maybe it'll be not a factor, but I just wondered what Corp. Counsel sees?

CHAIR KING: If there are any legal issues with it, okay.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR KING: Ms. Thomson, is there anything, you know...legally, is there any issue with the sale and use? I'm assuming not, because the...the bill was signed by Corp. Counsel.

MS. THOMSON: Right, it was signed. We also sent back an alternative bill that didn't make it into Granicus, but one of the things that we did want to call to the attention of...of the body is use. It's really more of an enforcement topic, so that would mean that we would have to...EP&S would need to be prepared to enforce, not just, you know, with retailers and all, but also with people using these types of products. So...so yeah, it's...it's an enforcement issue.

CHAIR KING: Okay, let's go...thank you for that. Then let's go to our enforcer, Ms. Farnsworth, and can we get a comment from...or Deputy Director Agawa, either one of you can...go to the Deputy Director first.

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MR. AGAWA: Thank you, Chair. Yeah, that would be one of our concerns is, you know, the enforcement part because a lot of times this would possibly lead to some kind of confrontation, and we're concerned about our staff going out there and confronting people using these foam coolers and having the push back and escalating into a more serious confrontation. So I guess the question is, what...what's the idea or the thought about the enforcement from our Staff?

CHAIR KING: Okay, let's...let's ask Ms. Farnsworth about that.

MS. FARNSWORTH: Thank you. So this is a type of enforcement that we have not really encountered (*audio interference*). Sections and facilities we do (*audio interference*) retailers and distributors, so this is something we would really have to think about. Hopefully, you know, with the ban of the sale (*audio interference*) in not a long of a time, the use would be not as relevant because they wouldn't be available. So...but it is something we'll definitely need to think about in...in that...in that arena because it's not something we really have something staff currently available for --

CHAIR KING: Okay.

MS. FARNSWORTH: -- and we don't have experience really going out and working directly with folks in the general public in that regard.

CHAIR KING: Okay. Thank you so much for those comments. Member Molina?

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. Maybe just a couple of ideas for consideration. I know possibly, the use of signage at our beaches, I know signs maybe don't seem to work out for Hāna Highway on the tourists, but maybe as a reminder to visitors, you know, like maybe one of those with the coolers and a banning type of symbol, you know, no foam coolers, and...and boards...bodyboards. Another idea maybe...what about doing a campaign to encourage people to recycle or turn in their old foam coolers and boards and all of that stuff. I mean, I don't know if that would work, but just...just some thoughts because I know with the...what we did with the plastic bags, we encouraged people to recycle...turn them in. So I don't know if that same concept would be applicable for these items, but some food for thought.

CHAIR KING: Okay, why don't we...so Member Sugimura, why don't we go ahead and get the motion on the floor, and then we can discuss the amendments so we...because a lot of these ideas may manifest in amendments to the bill. So Members, at this point the Chair will entertain a motion to recommend passage on first reading of the proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.26, MAUI COUNTY CODE, RESTRICTING THE SALE AND USE OF FOAM COOLERS," allowing Staff to make any nonsubstantive revisions, and the filing of County Communication 18-430.

VICE-CHAIR SINENCI: So move.

COUNCILMEMBER SUGIMURA: Second.

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CHAIR KING: Okay, moved by Member Sinenci, seconded by Member Sugimura. And I think, Member Sugimura, you had some comments? Or let's go to Member Sinenci to see if he has any deliberative discussion as the maker of the motion. Committee Vice-Chair Sinenci?

VICE-CHAIR SINENCI: Thank you, Chair. And I can be supportive of the amendments to...I mean, January 1st of 2022. It will probably give some of the merchant stores, you know, a little bit of time to get rid of what...that's not what we want. I'm...I'm also open to, you know, if it's just for the sale of...of foam coolers only, if the Department, like Mike Molina said, they might do some kind of campaign where people get to turn in their foam coolers. We might've...we might have some foam coolers around the house, but we use it just for storage...they're great for storage, they can keep stuff, but we don't use it for...for drinks or anything like that, and I was...I'm happy to say that my last trip to Lowe's, I did see some recycled cardboard coolers that was...that was easily...I mean, you could use it for your drinks and then...believe it'll easily biodegrade and good for the environment. So I think some of the merchants are already moving towards more sustainable options. Thank you, Chair.

CHAIR KING: Okay, thank you, Member Sinenci. And I did...just for your edification, Committee, I did get a message from the OCS Staff that says the bill doesn't change the effective date of the Chapter, so you know, if we didn't...if we...we could go ahead and change this for clarity, but if we didn't, it would still be effective when the entire Chapter becomes effective. But you know, if there's...so Member...so Vice-Chair Sinenci, were you making a motion for the amendment, or did you want...I...I know you said you could support it. Did you want to hear the...I think Member Sugimura had amendment language.

VICE-CHAIR SINENCI: I can move to the effective date of January 1st, 2022.

CHAIR KING: Okay.

COUNCILMEMBER LEE: Second.

CHAIR KING: Okay, moved by Committee Vice-Chair Sinenci, seconded by Member Lee. And I think we've heard the discussion, but are there any other points you want to make, Member Sinenci?

VICE-CHAIR SINENCI: I'll let the others speak.

CHAIR KING: Okay, okay. Council Chair Lee?

COUNCILMEMBER LEE: Thank you, Madam Chair. Yeah. I, like Member Sinenci, I use my cooler as a barricade to keep my dog from running away. So people like me and Mr. Sinenci, we need to...we need to educate everybody who uses those coolers for other uses to...to please turn them in or get rid of...you know, well, recycle them, and so that might take a little time to get the message out.

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CHAIR KING: Okay. And you wouldn't be in...I think it's a good idea to educate the public on getting rid of them, but you actually wouldn't be in violation because you're not putting food in it or storing or packaging food in it. But I...I...I imagine you're putting something in, I can't imagine that a foam cooler could act as a barrier by itself because they're so light. Member Sugimura, followed by Member Paltin.

CHAIR KING: Okay, then...but are you speaking to...

CHAIR KING: There's an amendment on the floor, so are you speaking to the amendment?

CHAIR KING: We'll address this amendment and then we'll go...and you can make the proposal.

CHAIR KING: Okay. So on the issue of moving the date to January 1st, 2022, anymore discussion on that? Otherwise I'll call for the question on that amendment. All those in favor, raise your hand and say "aye."

**VOTE: AYES: Chair King, Vice-Chair Sinenci, Councilmembers Johnson, Lee, Molina, Paltin, and Sugimura.**

**EXC.: None.**

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CHAIR KING: Okay, it's unanimous, 7-0. So the amendment passes to change the effective date to January 1st, 2022. And then we'll go to Member Sugimura.

COUNCILMEMBER SUGIMURA: So I would like to ask Corp. Counsel or OCS, where is the word "use." I'm trying to find it in the proposed ordinance to make this amendment, but I want to eliminate the word "use" if the body would allow that.

CHAIR KING: Okay, well, it is in the title, Member Sugimura.

COUNCILMEMBER SUGIMURA: Oh, just in the title? Oh.

CHAIR KING: Restricting the use and sale, that's where it starts. Let's see...I don't know if I can go through and find all the places where --

COUNCILMEMBER SUGIMURA: Oh, I see.

CHAIR KING: -- discusses the use, but that was the intention. But if you'd like to make a motion to maybe change that word to "rental and sale," and then we can follow the...the --

COUNCILMEMBER SUGIMURA: Okay.

CHAIR KING: -- . . .*(inaudible)*. . . that we did for boogie boards, or . . .*(inaudible)*. . .

COUNCILMEMBER SUGIMURA: Okay, I see Corp. Counsel.

CHAIR KING: -- or body boards as I should say, that we could just...everywhere the word "use" appears, we could change it to, you know, "sale and rental of foam coolers."

COUNCILMEMBER SUGIMURA: That would be....thank you, Chair. That would be my amendment, but I see that Corp. Counsel popped up. So do you have a thought on that?

CHAIR KING: Let's see if we get a second on that motion to amend.

COUNCILMEMBER LEE: Second.

CHAIR KING: *(audio interference)* Member Sugimura, seconded by Member Lee. And do you have any comments on that, Richelle?

MS. THOMSON: Thank you, Chair, yes. So where...where this really matters ...it's...it's not in the current proposed ordinance or amendment. So where the prohibition is, it's 20.26.040, and it's subsection A, "Food providers must not sell, use, provide or offer for sale plastic disposable foodware." And the way that this...that the OCS version of this ordinance is drafted, it includes coolers...foam coolers as being foodware. The version that we proposed as an alternative just leaves foam coolers as a line item and doesn't lump them in with the other types of foodware, and then separately in the prohibition section, it includes that line similar to the boogie board ordinance that says



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something along the lines of...that foam coolers may not be sold in, you know, the County, and if you wanted to include use that's, you know, that's completely your prerogative.

CHAIR KING: Okay, but...because we don't have that section .060, so that...that prohibition which this would apply to foam coolers is for commercial entities...sale and use for commercial? Let me...

MS. THOMSON: Right, it...it could be...it could be whatever...whatever you wish it to be. So the version that we have in the prohibitions, we added a new . . . *(inaudible)*. . .

CHAIR KING: I wasn't asking about that version, I was asking about the...you know, you...you...you commented on, but currently exists for this Chapter, and that this would fit in with it. But I think you said something about it's banning the commercial sale and use, so that's how this one . . . *(inaudible)*. . .

MS. THOMSON: It...not just commercial.

CHAIR KING: Okay. Let me...thank you for that. Let me go to James Forrest from OCS, one of the OCS attorneys who worked on this. Mr. Forrest?

MR. FORREST: Thank you, Chair. I just wanted to clarify that the...the section that we're talking about is...is 20.26.040, but I think it more directly relates to Section C, which says, "plastic disposable foodware must not be sold, used, provided or offered for sale or sold in the County." So that's where it's broader than just applying to food providers. It...it...obviously, it's a policy decision for you guys. If you want to exclude the use specifically for foam coolers, we could do that, and like we say, if you guys just make your intent clear, we can do the drafting accordingly.

CHAIR KING: Okay, so...so right now, what we're trying to do is add...is basically add foam coolers to the list of things that this bill will prohibit, and you know, use and sale of all of these --

COUNCILMEMBER SUGIMURA: Chair?

CHAIR KING: -- plastic foodware items, and...and that...and if we...if we were to make it different for foam coolers, we'd have to have another line item section in this proposal for that.

MR. FORREST: Yeah. If...if you look at what we're actually doing is we're including the coolers in the definition of plastic disposable foodware.

CHAIR KING: Okay. So that's...it's...it's kind of a larger...a larger issue whether we consider that part of the whole genre of the plastic that's being used to package and serve food on this island. Member Sugimura?

COUNCILMEMBER SUGIMURA: Yeah, so if I could complete...so I...I believe that on this issue it's so important, right, because you have people who have plastic...I mean, these

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foam coolers are using it for other things, they may show up at the beach, which is...which is what we're trying to have them not do. But I wonder...my feeling is, and it's really up to the Members, the clearer we are the better, and not try to group it in. I would love to see what...I guess sounds like Corp. Counsel had a proposed ordinance which we did not...we decided not to use for some reason, but I wonder if...because we're already talking about different sections that are not in the proposed bill today. So I wonder if we could see what that proposed language is for the sections that were just mentioned even by Mr. Forrest, but it's not on...it's not on the bill that we're talking about at this moment.

CHAIR KING: Right, we're not...that was because the intention of this bill...and the...and the reason why...I want to go back to the reason why this bill, when we created this bill, and I believe it was in Mr. Sinenci's Committee when we passed this bill out of Committee originally, and gave it until 20...January 1st, 2022, was to do that education, and so this would put...this would add to the education of the single-use plastic for foodware...the definition of foam coolers. So that was...the original intention was not to treat foam coolers differently, it was to add them to the list for this bill so that now we have six months to educate people that this includes...you know, we're...we're not separating...we're not saying, you know, if you have plastic foodware like clamshells or spoons that you...that are ten years old that now you can bring them out and use them, everything's illegal as of January 1st. So that's what this bill attempts to do, is to put in with all of these other things, all of these other plastics and Styrofoams...the foam coolers. So that's why it wasn't...it wasn't separated out because it wasn't the intention to treat foam coolers differently than the rest of the foodware, which is going to be become illegal on January 1st, and there's no provision for any type of foodware to be separated out and to be exempted.

COUNCILMEMBER SUGIMURA: So is OCS recommending as well as...it sounds like OCS and Corp. Counsel are recommending like another...another section of the bill which is not before us.

CHAIR KING: No, I don't think OCS is recommending that, no.

COUNCILMEMBER SUGIMURA: Well, he's saying they could write it. Is that what you're saying?

CHAIR KING: He's saying if we wanted to pass this amendment, they would write it, but he's not recommending that we do, necessarily --

COUNCILMEMBER SUGIMURA: Right, right.

CHAIR KING: So it...this was pretty well vetted in the...and the...and the arguments that Ms. Thomson made were discussed and...you know was...you know, basically, as the maker of the...of the proposal, my intention was to...we're just expanding what is included in that...in that single-use foodware list, and we're taking out that exemption for foam coolers.

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COUNCILMEMBER SUGIMURA: Okay, so...well, I kind of...I...well, what I would like to recommend is to take out the word "sale"...I'm sorry --

CHAIR KING: Okay, you've got the --

COUNCILMEMBER SUGIMURA: the "use" --

CHAIR KING: -- yeah, we've got the motion...we've got the amendment on the floor.

COUNCILMEMBER SUGIMURA: Okay, so I have...yeah, the "use"..."use" portion.

CHAIR KING: Yeah, so we're discussing that amendment right now. Member Paltin?

COUNCILMEMBER PALTIN: Thank you. I just had a question. Because this is in the food section of...the bill is related to foodware, someone had inquired if there's foam coolers being used for medical purposes, those wouldn't apply because this is in the food bill?

CHAIR KING: Correct.

COUNCILMEMBER PALTIN: Oh, okay.

CHAIR KING: It specifically says, "foam coolers used for packaging or storing food."

COUNCILMEMBER PALTIN: Okay. So if...if they're using it for medical then it wouldn't apply.

CHAIR KING: Right or a door stopper for your dog.

COUNCILMEMBER PALTIN: Okay.

CHAIR KING: Okay.

COUNCILMEMBER PALTIN: My dog would tear that up.

CHAIR KING: Any other comments, Members, on the motion? Okay, I'm just...I'll just add my last comments that my preference would be to add foam coolers to the list of all the things that we're trying to ban from foodware service, and I think there's plenty of alternatives to that. It was one of the things, originally, when we passed this bill that actually Mike White, as the Chair of the Council back then, had said I want to add foam coolers at some point because they drive me nuts, and I didn't like the way they break up. So this is something that has...we...we talked about way back then, we didn't add it back then, so now I'm trying to add it to that definition. So I'm going to speak against the amendment so that we can leave the foam coolers in that definition of single-use foodware...plastic foodware. Okay, any other comments, Member Sugimura?

COUNCILMEMBER SUGIMURA: So I...I just want to make it clear that I'm not saying I'm against this, and just saying for clarity that the word "use" may create, you know, situations that are going to be problematic for the Department, and that if we are going to pass this, and if Tamara Farnsworth is saying now we're going to have to do

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enforcement, then I support that. If we can support them with the right personnel and the right amount of rules and clarity that they would need to do in case there is an enforcement problem. So that's...that's what I'm trying to look...

CHAIR KING: Yeah, I understand that, but the enforcement is not just the foam coolers, it's on all plastics for foodware. So this is just getting lumped in with that. They are going to have to enforce as of January 1st, and so we're just adding this to the list. It's not...to me, it makes it easier because it's one of those things...those plastics that we don't want on the island that are related to food service. So that's...that enforcement is going to be the same for all the other types of foodware...to clamshells, and forks and spoons, and...Tamara Farnsworth, do you want to make a comment on that?

MS. FARNSWORTH: Mahalo. So in response to the concern about enforcement, like I said, we...it's not something we have encountered previously in this sort of...the general public. However, having just had a chance to think about it a little bit right now, you know, our method of enforcement starts with education. We never go and tell, "you're getting slapped with a fine right now." What we do is we provide education at first, and then allowing them the opportunity to change their behavior. So in a case where I don't know...we get a call and it's being used on a beach and we do end up having to go to the beach, we would have some kind of education to share with the folks and hopefully that would correct that problem in the moment. I...you know, like I said, I...I would hope that eventually, you know, the problem would mostly not have to be enforced per se as far as use because they wouldn't be being sold. And we definitely have the...the ability to go to more of the source with the sales and distribution of that type of item. So --

CHAIR KING: . . .*(inaudible)*. . .

MS. FARNSWORTH: Yeah, I think we would be able to enforce it okay.

CHAIR KING: Okay. It would be along with all the other enforcement. Because if someone calls you up and say, "hey, there's a guy here with a Styrofoam clam shell on the beach," same thing, you have to go down there and figure out what's...you know, it's...you know, it'll be illegal, you know, because the sale and use of Styrofoam clam shells is illegal. So it's no different than on any of the other plastic that's part of this ban that's going into effect January 1st. Okay.

COUNCILMEMBER SUGIMURA: Can I ask the Department another question? Then to eliminate the foam coolers, can we do like a day of turning in...I remember when we had this plastic bag, there was a big container at Walmart to turn in your plastic bags. So could we do something similar...the Department entertained like that or a bounty system so people can turn in their illegals to the Department, making some kind of educational effort?

CHAIR KING: I...I don't think you're talking about a bounty, I think you're talking about amnesty.

COUNCILMEMBER SUGIMURA: Amnesty, I'm sorry.

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CHAIR KING: We don't want to pay people to go after...

COUNCILMEMBER SUGIMURA: Right, right, right, right...amnesty...amnesty.

CHAIR KING: Okay.

COUNCILMEMBER SUGIMURA: So we can create some kind of program, okay.

CHAIR KING: So we might . . . you know, I think the Department's going to have to create an education piece that...coming up, so to let people know that this whole code is going into effect January 1st, so it would be part of that and hopefully . . .*(inaudible)*. . .

COUNCILMEMBER SUGIMURA: Okay, so the Department's...the Department's fine with it, so I'm fine then. I...I was just trying to make sure the Department had what they...they needed.

CHAIR KING: No, I understand, yeah...no...and I appreciate. So you want to withdraw your amendment proposal?

COUNCILMEMBER SUGIMURA: So I'll withdraw my amendment because it sounds like the Department's going to be able to handle it.

CHAIR KING: Okay. And of course, we'll all help. We'll all put out the notices that all this plastic foodware is, you know, pau on January 1st. Okay. Any other concerns or discussion before we vote on the bill amendments before us? And the bill has been amended to the effective date January 1st, 2022. Okay, if nothing...if...oh, Member Molina?

COUNCILMEMBER MOLINA: Yeah, yeah. Thank you, Madam Chair. So we have the motion on the floor, I'd like to speak to it. Just want to thank you for this proposal, as well as former Councilmember Cochran for this. And...and of course, last but not least, our Department...our Environmental Management Department. They've been such forward thinkers and...and I know they'll do a wonderful job in coming up with some type of campaign to educate the public, and they play such a key role with this and enforcing the legislation that we put out. So kudos to them and everyone else for this legislation. Thank you, Madam Chair.

CHAIR KING: Thank you, Member Molina. And I...you know, I can see the wheels turning in our Chair's head about another rap video. So...so maybe we'll be...maybe we'll be stars in another video letting the public know that plastic is going to be banned as of January 1st. Okay, if no other questions or comments, all those in favor of the motion on the floor, raise your hand and say, "aye."

COUNCILMEMBERS: Aye.

CHAIR KING: Okay, it looks unanimous, 7 ayes, 0 noes. Measure passes.

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**VOTE:**       **AYES:**   **Chair King, Vice-Chair Sinenci, Councilmembers Johnson, Lee, Molina, Paltin, and Sugimura.**

**NOES:**   **None.**

**ABSTAIN:**   **None.**

**ABSENT:**   **None.**

**EXC.:**    **None.**

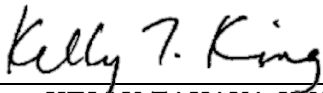
**MOTION CARRIED.**

**ACTION:**    **Recommending FIRST READING of revised bill and FILING of communication.**

CHAIR KING: And then the County Communication can be filed from 2018. Nice to get that one off my master agenda, and it looks like we have no further business before us, so thank you, Members, we can get out of here early. Thank you for skipping the morning break and for very thoughtful forward discussion. The CARE Committee...Climate Action, Resilience, and Environment Committee of June 30th, 2021 is now adjourned. . . .(gavel). . .

**ADJOURN:**    11:10 a.m.

APPROVED:

  
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KELLY TAKAYA KING, Chair  
Climate       Action,       Resilience,  
Environment Committee

care:min:210630min:jkh

Transcribed by: Jaylene K. Hamilton

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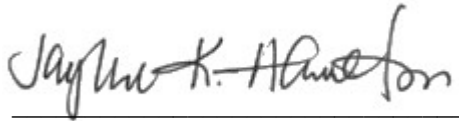
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CERTIFICATION

I, Jaylene K. Hamilton, hereby certify that pages 1 through 47 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 21st day of July 2021, in Wailuku, Hawai'i

A handwritten signature in dark ink, reading "Jaylene K. Hamilton", is written over a horizontal line.

Jaylene K. Hamilton