

**Raynette Yap**

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**From:** laurenzirbel@gmail.com on behalf of Lauren Suzanne Zirbel  
<laurenzirbel@hawaiiifood.com>  
**Sent:** Wednesday, July 23, 2014 12:12 PM  
**To:** IEM Committee  
**Cc:** Alexis Chapman  
**Subject:** testimony on IEM-5 POLYSTYRENE  
**Attachments:** IEM-5 POLYSTYRENE DISPOSABLE MAUI COUNTY.doc

Aloha -

Please find attached HFIA's testimony on IEM-5 relating to polystyrene disposable containers. Unfortunately I will not be able to attend in person; however, I hope to be able to set up meetings to discuss this issues with the members in the near future.

Please feel free to call me if you have any questions! This bill represents a loss of millions of dollars for the food service industry and the Maui economy and there is no viable alternative product to take its place. Some customers have been burned because compostable items do not hold hot liquids well. Also there is no composting facility to send these products to where they will be able to compost. We hope you will not chose to increase the cost of food for Maui customers.

Mahalo Nui Loa, Lauren

**Lauren Zirbel**  
**Executive Director**  
**Hawaii Food Industry Association**  
**1050 Bishop Street, PMB 235 Honolulu, HI 96813-3302**  
**Direct Line: 808-294-9968**  
**Office Line: (808) 792-7271 - Ext 1**  
**Fax: (808) 791-0702**  
**[www.hawaiiifood.com](http://www.hawaiiifood.com)**  
**[Don't Miss Out On HFIA's July 29th After Hours Networking Event - Click here!](#)**



**Executive Officers:**

John Schilf, RSM Hawaii - Chairperson  
Derek Kurisu, KTA Superstores – Vice Chair  
Lisa DeCoito, Aloha Island Mart – Treasurer  
John Erickson, Frito-Lay - Secretary  
Lauren Zirbel, Executive Director

1050 Bishop St. PMB 235  
Honolulu, HI 96813  
Fax : 808-791-0702  
Telephone : 808-533-1292

TO: INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE, COUNCIL OF THE COUNTY OF MAUI

FROM: HAWAII FOOD INDUSTRY ASSOCIATION  
Lauren Zirbel, Executive Director

DATE: July 28, 2014  
TIME: 1:30 p.m.  
PLACE: Council Chamber, 8<sup>th</sup> Floor, 200 South High Street,  
Wailuku, Hawaii

RE: IEM-5 POLYSTYRENE DISPOSABLE FOOD SERVICE CONTAINERS, "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 20.26, MAUI COUNTY CODE, PERTAINING TO POLYSTYRENE DISPOSABLE FOOD SERVICE CONTAINERS"

Position: Opposition

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers and distributors of food and beverage related products in the State of Hawaii.

**HFIA is in opposition to this measure, as it is a mandate on businesses that will increase costs for consumers and provide no upside for the environment, as Maui County does not have a commercial composting facility. Consumers are already being asked to pick up a twelve-fold increase in cost due to the recent plastic bag ban. Please do not pass on this additional cost to consumers. Instead, allow consumer demand and behavior to change product offerings.**

**Biodegradable products are much more expensive than polystyrene options. However, biodegradable products, under our current system of waste disposal will meet the same end as polystyrene. Both compostable and polystyrene options will not biodegrade in modern landfills. Landfills are designed to protect the environment from the liquids and gases produced by reducing the exposure of garbage to air, water and sunlight – conditions essential for degradation. Without an investment in commercial composting facilities, this increased cost for food establishments and consumers will result in negligible environmental benefits.**

**Not one county in Hawaii has a commercial composting facility where these products can be sent to compost. Most of the trash debris seen on beaches is the result of haphazard disposal of waste from all over the world and on the seas, which are brought here by ocean currents. Many products do not biodegrade which is why**



waste management is such an important issue. It is unreasonable to try to ban all products that do not biodegrade.

**Hundreds of jobs may be eliminated if the council continues to threaten this locally produced, favorably priced, FDA approved product.**

The market is creating its own commercially viable and money generating solutions to the problem, solutions which don't put people out of work or force the market to act in premature ways, but instead generate jobs and profit for government and private enterprise. These solutions are especially promising given the need for energy sustainability, especially in Hawaii, and given the rising cost of fuel. Technology is now available and widely used in Japan to turn plastics into high-grade diesel fuel. On Oahu, H-POWER recycles plastics and other trash into energy.

While polystyrene is a petroleum byproduct, it is also a resource. It is currently being recycled in Kalihi on a small scale, and is becoming a major recyclable resource in schools on the Mainland. In fact, more than 57 million pounds of packaging were recycled in 2004. Also, in accordance with EPA priorities, polystyrene manufacturers have placed precedence on source reduction and reuse as well as recycling, locally here in Hawaii as well as nationally.

Looking at this from a resource conservation prospective, source reduction is much more effective than recycling. According to Franklin and Associates, in order for polystyrene packaging and disposables' recycling efforts to save as much energy as the 408 million pounds source reduced in 1997, a recycling rate of 51% would have to be achieved. On a side note, we invite all council members to visit KYD, Inc. (K. Yamada Distributors) manufacturing and recycling facility in Kalihi to see how they are reusing leftover production materials.

**There are very real concerns associated with the manufacturing of biodegradable packaging, as *Smithsonian Magazine* put forth in 2006, stating that biodegradable alternatives have considerable drawbacks that haven't been publicized. One drawback is that the cultivation of corn requires more nitrogen fertilizer, more herbicides and more insecticides than any other U.S. crop, and that practice contributes to soil erosion and water pollution when nitrogen runs off fields into streams and rivers.** One must acknowledge the environmental trade-offs associated with the use of any packaging material and whether a mandate to use one particular type of container or product will have the desired result of reducing litter and/or marine debris.

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

This bill makes the false assumption that products that would replace polystyrene are somehow manufactured in a vacuum without the use of any raw materials, energy, or water, or fuel to deliver the product. This is especially important considering many bio-degradable options are produced in China where labor, quality and environmental standards are known to be well below the labor, quality and environmental standards practiced in plants which produce polystyrene on the island of Oahu.

**We should consider the carbon footprint of shipping supplies from China,** especially given that we have a more economically viable product produced right here in Hawaii, providing hundreds of jobs to the community.

**The FDA, Health Canada and Environment Canada concluded extensive studies that polystyrene is "non-toxic" and that styrene "does not constitute a danger to human life and health" and "does not constitute a danger to**



the environment on which human life depends."

It appears that the effective date is backdated, we feel this is not an appropriate amount of time for businesses to comply with this law, especially considering that the definitions are unclear and we have no idea which products would qualify under this bill. The definitions used for biodegradable will be impossible to enforce as there is no standard associated with them and the department will have no idea which products qualify and which products do not. The definition of compostable does not work for Hawaii because we don't have a commercial composting facility, so technically no product would qualify. **How can we comply with the definition for compostable, "means all materials that comprise a disposable food service container are able to undergo biological decomposition or become part of the usable compost, in a safe and timely manner in an appropriate composting program or facility, or in a home compost pile or device...",** when there is no compost facility where products could break down in a timely manner?

From 1999 to 2002, a 12 member international expert panel selected by the Harvard Center for Risk Analysis conducted a comprehensive review of potential health risks associated with workplace and environmental exposure to styrene. The scientists had expertise in toxicology, epidemiology, medicine, risk analysis, pharmacokinetics, and exposure assessment. The complete findings were published in the Journal of Toxicology and Environmental Health (referenced below).

The Harvard study reported that styrene is naturally present in food such as strawberries, beef, and spices, and is naturally produced in the processing of foods such as wine and cheese. The study noted that "federal regulations also permit low concentrations of styrene in food" as an additive.

**The scientists reviewed all of the published data on the quantity of styrene contributed to the diet due to migration from food contact packaging. The scientists concluded that there is no cause for concern from exposure to styrene from food or from polystyrene used in food contact applications, such as packaging and foodservice containers.**

Reference: "A Comprehensive Evaluation of the Potential Health Risks Associated with Occupational and Environmental Exposure to Styrene", Harvard Center for Risk Analysis, Harvard School of Public Health, Boston, MA (Journal of Toxicology and Environmental Health, Volume 5, Number 1-2, January – June 2002, published quarterly by Taylor & Francis.) Findings also were published in the Harvard Center for Risk Analysis's Risk in Perspective.

**For all of these reasons we would ask that this bill be held.**

Thank you so much for your time.

Thank you for the opportunity to testify.



## Raynette Yap

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**From:** Nelson Okumura <nokumura@vipfoodservice.com>  
**Sent:** Wednesday, July 23, 2014 12:39 PM  
**To:** IEM Committee  
**Subject:** Testimony on IEM-5 Polystyrene Disposable Food Service Containers - Opposition  
**Attachments:** Council Foam Ban Testimony.pdf

Dear Sir or Madam:

Please find attached my testimony on IEM-5 Polystyrene Disposable Food Service Containers.

Please call or email for any questions.

Yours truly,

**Nelson Okumura** President

808.877.5055 ext. 229 (p) 808.870.1129 (c) 808.877.4960 (f)

[nokumura@vipfoodservice.com](mailto:nokumura@vipfoodservice.com) | [www.vipfoodservice.com](http://www.vipfoodservice.com)





TO: INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE, COUNCIL OF THE COUNTY OF MAUI

From: Nelson T. Okumura, President, VIP Foodservice  
DATE: July 28, 2014  
TIME: 1:30 p.m.  
PLACE: Council Chamber, 8<sup>th</sup> Floor, 200 South High Street,  
Wailuku, Hawaii

RE: IEM-5 POLYSTYRENE DISPOSABLE FOOD SERVICE CONTAINERS, "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 20.26, MAUI COUNTY CODE, PERTAINING TO POLYSTYRENE DISPOSABLE FOOD SERVICE CONTAINERS"

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**Not one county in Hawaii has a commercial composting facility where these products can be sent to compost. Most of the trash debris seen on beaches is the result of haphazard disposal of waste from all over the world and on the seas, which are brought here by ocean currents. Many products do not biodegrade which is why waste management is such an important issue. It is unreasonable to try to ban all products that do not biodegrade.**

**Hundreds of jobs may be eliminated if the council continues to threaten this locally produced, favorably priced, FDA approved product.**

Valley Isle Produce, Inc. dba VIP Foodservice • PO Box 517 • Kahului, Hawaii 96733

Phone: 808.877.5055 • Fax: 808.877.4960 • [www.vipfoodservice.com](http://www.vipfoodservice.com)



The market is creating its own commercially viable and money generating solutions to the problem, solutions which don't put people out of work or force the market to act in premature ways, but instead generate jobs and profit for government and private enterprise. These solutions are especially promising given the need for energy sustainability, especially in Hawaii, and given the rising cost of fuel. Technology is now available and widely used in Japan to turn plastics into high-grade diesel fuel. On Oahu, H-POWER recycles plastics and other trash into energy.

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Looking at this from a resource conservation prospective, source reduction is much more effective than recycling. According to Franklin and Associates, in order for polystyrene packaging and disposables' recycling efforts to save as much energy as the 408 million pounds source reduced in 1997, a recycling rate of 51% would have to be achieved. On a side note, we invite all council members to visit KYD, Inc. (K. Yamada Distributors) manufacturing and recycling facility in Kalihi to see how they are reusing leftover production materials.

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This bill makes the false assumption that products that would replace polystyrene are somehow manufactured in a vacuum without the use of any raw materials, energy, or water, or fuel to deliver the product. This is especially important considering many bio-degradable options are produced in China where labor, quality and environmental standards are known to be well below the labor, quality and environmental standards practiced in plants which produce polystyrene on the island of Oahu.

**We should consider the carbon footprint of shipping supplies from China,** especially given that we have a more economically viable product produced right here in Hawaii, providing hundreds of jobs to the community.

**The FDA, Health Canada and Environment Canada concluded extensive studies that polystyrene is "non-toxic" and that styrene "does not constitute a danger to human life and health" and "does not constitute a danger to the environment on which human life depends."**



It appears that the effective date is backdated, we feel this is not an appropriate amount of time for businesses to comply with this law, especially considering that the definitions are unclear and we have no idea which products would qualify under this bill. The definitions used for biodegradable will be impossible to enforce as there is no standard associated with them and the department will have no idea which products qualify and which products do not. The definition of compostable does not work for Hawaii because we don't have a commercial composting facility, so technically no product would qualify. **How can we comply with the definition for compostable, "means all materials that comprise a disposable food service container are able to undergo biological decomposition or become part of the usable compost, in a safe and timely manner in an appropriate composting program or facility, or in a home compost pile or device..." when there is no compost facility where products could break down in a timely manner?**

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The Harvard study reported that styrene is naturally present in food such as strawberries, beef, and spices, and is naturally produced in the processing of foods such as wine and cheese. The study noted that "federal regulations also permit low concentrations of styrene in food" as an additive.

**The scientists reviewed all of the published data on the quantity of styrene contributed to the diet due to migration from food contact packaging. The scientists concluded that there is no cause for concern from exposure to styrene from food or from polystyrene used in food contact applications, such as packaging and foodservice containers.**

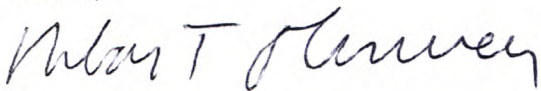
Reference: "A Comprehensive Evaluation of the Potential Health Risks Associated with Occupational and Environmental Exposure to Styrene", Harvard Center for Risk Analysis, Harvard School of Public Health, Boston, MA (Journal of Toxicology and Environmental Health, Volume 5, Number 1-2, January – June 2002, published quarterly by Taylor & Francis.) Findings also were published in the Harvard Center for Risk Analysis's Risk in Perspective.

**For all of these reasons we would ask that this bill be held.**

Thank you so much for your time.

Thank you for the opportunity to testify.

Yours truly,

A handwritten signature in dark ink, appearing to read "Nelson T. Okumura". The signature is fluid and cursive, with the first name "Nelson" being more prominent.

Nelson T. Okumura  
President



## IEM Committee

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**From:** Bob Stout <bobs@times-supermarket.com>  
**Sent:** Thursday, July 24, 2014 10:20 AM  
**To:** IEM Committee  
**Subject:** IEM-5 Testimony in Opposition

Dear Committee IEM,

Please do not move this measure any further.

Products labeled as biodegradable are far more expensive than polystyrene. This means that if this measure is enacted it will increase costs for me and for my customers.

I support the intent of this measure to protect the environment. However, there is no commercial composting facility on Maui, or anywhere in the state. This means biodegradable containers will ultimately end up in landfills where they are no more biodegradable than polystyrene so I do not see any benefit to the environment from enacting this measure.

My customers and I have already had to endure the price increases caused by the recent ban on plastic bags. Even without these added burdens food is expensive here on Maui, Molakai, and Lanai. Taking action that will unnecessarily raise prices even more is something that all of us want to avoid. My customers are my primary concern, I want to keep prices as low as I can for them, and I will only use products that are safe for my customers. I use polystyrene because it is FDA approved and I know that it can safely and securely hold a variety of food, including very hot food. I don't know if the biodegradable alternatives will be as secure and I have heard of people being burned when these types of containers failed. I wonder who would be held accountable and liable if one of my customers was burned because I was forced to switch from a cost effective product I trust to a more expensive, less reliable alternative.

The people of our county care about the environment and make choices everyday to protect the aina. Please let the businesses and customers of our county continue to choose what products are right for them. Forcing people to use a product that increases costs and is not going to offer a benefit to the environment is not the right choice for Maui County.

Please vote no on this measure.

Thank you for the opportunity to testify.

Sincerely,

Bob Stout  
3375 KOAPAKA ST STE D108  
HONOLULU, HI 96819

## IEM Committee

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**From:** mikedyourrealtor@gmail.com on behalf of Michael DeFilippi  
<michael@mdrealtymiami.com>  
**Sent:** Thursday, July 24, 2014 2:47 PM  
**To:** IEM Committee  
**Subject:** Please strengthen polystyrene foam ordinance  
**Attachments:** R5B-Prohibit Sale-Use Of Polystyrene Food Service Articles -Grieco- (1).pdf

Hello,

It's great you're tackling this issue but please I highly suggest including foam coolers in the ordinance. Often times people leaves these behind on the beach and they easily become broken into smaller pieces and end up in the water. The City of Miami Beach just yesterday passed the first ordinance in the State of Florida banning polystyrene foam. The products are banned on the beaches too including coolers. Please don't be lenient with the businesses and there's no need for a waiver. Be firm with them. The alternative products are available and these businesses have harmed the environment so much that it's the lease they can. Please see a copy of our ordinance which just passed yesterday as well as some pictures of the foam from our clean ups.

<http://www.local10.com/news/commissioners-to-give-final-vote-on-banning-styrofoam-in-miami-beach/27110242>



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**web** <http://MDRealtyMiami.com>

1111 Lincoln Rd. Suite 400

Miami Beach, FL 33139

**Condensed Title:**

Second Reading of an Ordinance prohibiting the carrying of expanded polystyrene into parks; prohibiting the sale or use in public facilities and on public property of expanded polystyrene food service articles by City contractors and special event permittees; and prohibiting sidewalk cafés from providing expanded polystyrene food service articles on the right-of-way or to sidewalk café patrons.

**Key Intended Outcome Supported:**

Enhance the Environmental Sustainability of the Community.

**Supporting Data:** 2% of residential respondents indicated trash and litter is an area that the City needs to improve. In the 2014 Community Satisfaction Survey, residential respondent and business owner satisfaction with canal/waterway cleanliness dropped 4% and 2% from 2012, respectively.

**Item Summary/Recommendation:****SECOND READING – PUBLIC HEARING**

Miami Beach is a barrier island with approximately 70 miles of shoreline along numerous canals and waterways. The waters surrounding the City support a wide variety of flora and fauna. These waters also act as nurseries and habitat for migratory birds and for commercially and recreationally important fish. Furthermore, the City's beaches support shorebird species and are a designated nesting habitat for the protected Loggerhead, Green, and Leatherback sea turtles. It is especially critical that the City limit pollutants from entering the environment due to its proximity to the City's vast system of interconnected waterways and sensitive marine habitats. One pollutant of particular concern is expanded polystyrene, a petroleum based by-product which constitutes a large portion of the litter in the City's streets, public places, and waterways. Expanded polystyrene is a particularly harmful pollutant because it is non-biodegradable and not readily recyclable. Furthermore, it fragments into smaller pieces that easily enter and remain in the environment harming or killing marine life and other wildlife that accidentally ingest it.

Section 46-92 of the City Code currently bans the carrying of Styrofoam products onto the City's beaches. The proposed Ordinance replaces the word "Styrofoam" in the definition of "litter" in this section with the correct term "polystyrene". Additionally, the Ordinance extends the prohibition of expanded polystyrene products to parks because many City parks are located along in close proximity to bodies of water and, therefore, litter at these locations can easily enter the marine environment. The proposed Ordinance also amends Chapter 82 of the City Code by creating Section 82-7, which prohibits the sale or use of expanded polystyrene food service articles in public facilities and on public property by City contractors and special event permittees. The prohibition only applies to new contracts entered after the effective date, unless an entity with an existing contract or special event permit agrees to voluntarily cease using expanded polystyrene food service articles.

Finally, the proposed Ordinance amends the minimum standards for sidewalk cafés in Section 82-385 to prohibit expanded polystyrene food service articles on the right-of-way and to prohibit sidewalk café permittees from providing expanded polystyrene food service articles to sidewalk café patrons. The City has over 225 permitted sidewalk cafés citywide. These non-enclosed establishments can be major contributors to litter nuisance as lightweight articles, such as expanded polystyrene products, are picked up by wind and rain. By eliminating expanded polystyrene products in parks and prohibiting the use of expanded polystyrene food service articles by City contractors, special event permittees, and sidewalk café permittees, the proposed Ordinance will reduce the presence of this pollutant on the City's rights-of-way and waterways and enhance the City's environmental sustainability.

On June 11, 2014, the City Commission approved the Ordinance on First Reading. The Administration recommends that the City Commission adopt the Ordinance on Second Reading Public Hearing.

**Advisory Board Recommendation:**

On May 22, 2014, the Sustainability Committee recommended that the City Commission approved the subject Ordinance unanimously.

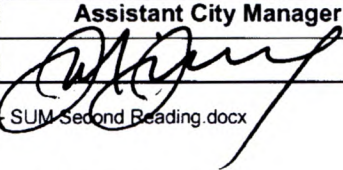
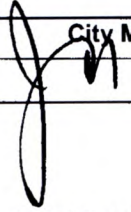
**Financial Information:**

Source of Funds:	Amount	Account
1		
OBPI	Total	

**Financial Impact Summary:****City Clerk's Office Legislative Tracking:**

Elizabeth Wheaton x6121

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		

T:\AGENDA\2014\July\Polystyrene Ordinance - SUM Second Reading.docx



MIAMI BEACH





## COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: July 23, 2014

SECOND READING

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE III, ENTITLED "LITTER," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTION 46-92 THEREOF, ENTITLED "LITTER; DEFINITIONS; PROHIBITIONS ON LITTER; PENALTIES FOR LITTER AND COMMERCIAL HANDBILL VIOLATIONS; COMMERCIAL HANDBILL REGULATIONS, FINES, AND REBUTTABLE PRESUMPTIONS; SEIZURE AND REMOVAL OF LITTER BY THE CITY; ENFORCEMENT; APPEALS; LIENS" TO AMEND THE DEFINITION OF LITTER IN SUBSECTION (A) BY SUBSTITUTING THE WORD "POLYSTYRENE" FOR THE WORD "STYROFOAM" AND TO AMEND SUBSECTION (C) TO PROHIBIT ANY PERSON FROM CARRYING ANY EXPANDED POLYSTYRENE PRODUCT INTO ANY PARK WITHIN THE CITY; AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY CREATING SECTION 82-7 THEREOF, ENTITLED "PROHIBITIONS REGARDING SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY CITY CONTRACTORS AND SPECIAL EVENT PERMITTEES," TO PROHIBIT THE SALE, USE, AND OFFERING OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY CITY CONTRACTORS AND SPECIAL EVENT PERMITTEES IN CITY FACILITIES AND ON CITY PROPERTY; AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY," BY AMENDING DIVISION 5, ENTITLED "SIDEWALK CAFES," BY AMENDING SUBDIVISION II, ENTITLED "PERMIT," BY AMENDING SECTION 82-385 THEREOF, ENTITLED "MINIMUM STANDARDS, CRITERIA, AND CONDITIONS FOR OPERATION OF SIDEWALK CAFES," TO PROVIDE PROHIBITIONS REGARDING EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES ON THE RIGHT-OF-WAY; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**



## **BACKGROUND**

At the May 22, 2014 Sustainability Committee meeting, the Committee discussed restricting the sale and use of expanded polystyrene (commonly known as Styrofoam) products, to reduce litter and pollutants in the City's waterways and to enhance the environmental sustainability of the City. The Sustainability Committee unanimously passed a motion recommending that the City Commission approve an ordinance drafted by the City Attorney's Office, which would (1) prohibit the carrying of expanded polystyrene products into City parks; (2) prohibit the sale or use in public facilities and on public property of expanded polystyrene food service articles by City contractors, vendors, lessees, concessionaires, operators of City facilities and properties, and special event permittees; and (3) prohibit expanded polystyrene food service articles on the right-of-way and prohibit sidewalk café permittees from providing expanded polystyrene food service articles to sidewalk café patrons. On June 11, 2014, the City Commission approved the Ordinance on First Reading. Subsequent to its approval on First Reading, a minor language revision has been made to Section 82-7 to clarify that public facilities and property refer only to City facilities and property. Attachment A shows the Ordinance as it is being presented for Second Reading.

## **ANALYSIS**

Miami Beach is a barrier island with approximately 70 miles of shoreline along numerous canals and waterways, including Indian Creek, Surprise Lake, and Lake Pancoast, as well as the Atlantic Ocean and the Biscayne Bay Aquatic Preserve. The waters surrounding the City support a wide variety of flora and fauna, including threatened and endangered species like the West Indian manatee, the American crocodile, Johnson's seagrass, and smalltoothed sawfish. These waters also act as nurseries and habitat for migratory birds, including brown pelicans and ospreys, and for commercially and recreationally important fish, such as snapper, sailfish, and mahi-mahi. Furthermore, the City's beaches support shorebird species, including seagulls and royal terns, and are a designated nesting habitat for the protected Loggerhead, Green, and Leatherback sea turtles.

It is especially critical that the City limit pollutants from entering the environment due to its proximity to the City's vast system of interconnected waterways and sensitive marine habitats. One pollutant of particular concern is expanded polystyrene, a petroleum based by-product which constitutes a large portion of the litter in the City's streets, public places, and waterways. The Environmental Protection Agency has determined that floatable debris, like expanded polystyrene, can have "serious impacts on human health, wildlife, the aquatic environment and the economy" (Assessing and Monitoring Floatable Debris, August 2002; EPA-842-B-02-002). Expanded polystyrene is a particularly harmful pollutant because it is non-biodegradable and not readily recyclable. Furthermore, it fragments into smaller pieces that easily enter and remain in the environment harming or killing marine life and other wildlife that accidentally ingest it.

Section 46-92 of the City Code currently bans the use of Styrofoam products on the City's beaches. The proposed Ordinance replaces the word "Styrofoam" in the definition of "litter" in this section with the correct term "polystyrene". Additionally, the Ordinance extends the prohibition of expanded polystyrene products to parks because many City parks, including South Pointe Park, Maurice Gibb Park, Pine Tree Park, and North Shore Open Space Park, are located along in close proximity to bodies of water and, therefore, litter at these locations can easily enter the marine environment.



The proposed Ordinance also amends Chapter 82 of the City Code by creating Section 82-7, which prohibits the sale or use in public facilities and on public property of expanded polystyrene food service articles by City contractors and special event permittees. City contractors are defined as contractors, vendors, lessees, and concessionaires of the City and operators of a City facility or property. Special event permittees are defined as any person or entity issued a special event permit by the City for a special event on City property or in a City facility. The prohibition only applies to new contracts entered after the effective date, unless an entity with an existing contract or special event permit agrees to voluntarily cease using expanded polystyrene food service articles. Once the ordinance is passed and adopted, the Administration will reach out to contractors and special event permittees with existing contracts and permits to notify them of the Ordinance and to encourage them to voluntarily cease using and offering expanded polystyrene food service articles.

Finally, the proposed Ordinance amends the minimum standards for sidewalk cafés in Section 82-385 to prohibit expanded polystyrene food service articles on the right-of-way and to prohibit sidewalk café permittees from providing expanded polystyrene food service articles to sidewalk café patrons. The City has over 225 permitted sidewalk cafés citywide. These non-enclosed establishments can be major contributors to litter nuisance as lightweight articles, such as expanded polystyrene products, are picked up by wind and rain. By eliminating expanded polystyrene products in parks and prohibiting the use of expanded polystyrene food service articles by City contractors, special event permittees, and sidewalk café permittees, the proposed Ordinance will reduce the presence of this pollutant on the City's rights-of-way and waterways and enhance the City's environmental sustainability.

## **CONCLUSION**

The Administration recommends approving the Ordinance.

Attachments: Expanded Polystyrene Ban Ordinance

JMJ/MVF/ESW/MKW

T:\AGENDA\2014\July\Polystyrene Ordinance - MEM Second Reading.doc



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE III, ENTITLED "LITTER," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTION 46-92 THEREOF, ENTITLED "LITTER; DEFINITIONS; PROHIBITIONS ON LITTER; PENALTIES FOR LITTER AND COMMERCIAL HANDBILL VIOLATIONS; COMMERCIAL HANDBILL REGULATIONS, FINES, AND REBUTTABLE PRESUMPTIONS; SEIZURE AND REMOVAL OF LITTER BY THE CITY; ENFORCEMENT; APPEALS; LIENS" TO AMEND THE DEFINITION OF LITTER IN SUBSECTION (A) BY SUBSTITUTING THE WORD "POLYSTYRENE" FOR THE WORD "STYROFOAM" AND TO AMEND SUBSECTION (C) TO PROHIBIT ANY PERSON FROM CARRYING ANY EXPANDED POLYSTYRENE PRODUCT INTO ANY PARK WITHIN THE CITY; AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY CREATING SECTION 82-7 THEREOF, ENTITLED "PROHIBITIONS REGARDING SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY CITY CONTRACTORS AND SPECIAL EVENT PERMITTEES," TO PROHIBIT THE SALE, USE, AND OFFERING OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY CITY CONTRACTORS AND SPECIAL EVENT PERMITTEES IN CITY FACILITIES AND ON CITY PROPERTY; AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY," BY AMENDING DIVISION 5, ENTITLED "SIDEWALK CAFES," BY AMENDING SUBDIVISION II, ENTITLED "PERMIT," BY AMENDING SECTION 82-385 THEREOF, ENTITLED "MINIMUM STANDARDS, CRITERIA, AND CONDITIONS FOR OPERATION OF SIDEWALK CAFES," TO PROVIDE PROHIBITIONS REGARDING EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES ON THE RIGHT-OF-WAY; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, the City of Miami Beach ("City") declares that it is in the interest of the public health, safety, and welfare of its residents and visitors to reduce litter and pollutants on the land and in the waters of the City; and

**WHEREAS**, expanded polystyrene, a petroleum by-product commonly known as Styrofoam, is neither readily recyclable nor biodegradable and takes hundreds to thousands of years to degrade in the environment; and

**WHEREAS**, expanded polystyrene is a common pollutant, which fragments into smaller, non-biodegradable pieces that are ingested by marine life and other wildlife, thus harming or killing them; and

**WHEREAS**, due to the physical properties of expanded polystyrene, the EPA states "that such materials can also have serious impacts on human health, wildlife, the aquatic environment and the economy"; and



**WHEREAS**, disposable food service articles constitute a portion of the litter in the City of Miami Beach's streets, parks, public places, and waterways; and

**WHEREAS**, the City's goal is to replace expanded polystyrene food service articles with reusable, recyclable or compostable alternatives; and

**WHEREAS**, the City encourages the use of unbleached, non-coated, recycled-content paper food service articles and other fiber-based food service articles as the most environmentally preferable alternatives when the use of reusable food ware is not feasible; and

**WHEREAS**, as an environmental leader among local governments in the State of Florida, the City of Miami Beach, by virtue of this Ordinance, will prohibit the use of expanded polystyrene food service articles by its contractors and special event permittees in City facilities and on City property; will prohibit the use of expanded polystyrene food service articles by sidewalk cafes on the public right-of-way; and, will strengthen its litter laws by prohibiting expanded polystyrene products in City parks; and

**WHEREAS**, this Ordinance will preserve and enhance the environment of the City of Miami Beach.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1.** That Division 1 of Article III of Chapter 46 of the Code of the City Miami Beach is hereby amended as follows:

**CHAPTER 46**

**ENVIRONMENT**

\* \* \*

**ARTICLE III. Litter**

\* \* \*

**DIVISION 1. Generally**

**Sec. 46-92. Litter; definitions; prohibitions on litter; penalties for litter and commercial handbill violations; commercial handbill regulations, fines, and rebuttable presumptions; seizure and removal of litter by the city; enforcement; appeals; liens.**

(a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

\* \* \*

(5) Litter means any paper, handbill, commercial handbill, garbage, bottle caps, chewing gum, tobacco products, including, but not limited to, used and unused cigarettes, cigars, pipe or chewing tobacco, ~~styrofoam~~ polystyrene or plastic products, or other waste, including, but not limited to, tree, plant, and grass cuttings, leaves, or other yard maintenance debris, that has been placed or deposited on a public sidewalk, street, road, avenue, beach, swale, median, building, fence, wall, boardwalk, beachwalk, baywalk, cutwalk, park, or in a gutter, drain, or sewer, or on any other public property,



right-of-way or place, or on any object located on public property, or on the kneewall, window ledge or sill of any public or private building, or on a motor vehicle, or on any other type of private real or personal property. Handbills and commercial handbills attached to a trash receptacle, but not within the trash receptacle in the usual manner, shall also be considered litter.

\* \* \*

(c) *Prohibitions on beaches and parks.* It shall be unlawful for any person to carry onto any beach within the city a glass or metal bottle or other glass or metal container. In addition, it shall be unlawful for any person to carry any ~~styrofoam~~ expanded polystyrene product onto any beach or into any park within the city or for any business to provide plastic straws with the service or delivery of any beverage to patrons on the beach.

**SECTION 2.** That Article I of Chapter 82 of the Code of the City Miami Beach is hereby amended as follows:

**CHAPTER 82**  
**PUBLIC PROPERTY**

\* \* \*

**ARTICLE I. In General**

\* \* \*

**Sec. 82-7**      **Prohibitions regarding sale or use of expanded polystyrene food service articles by city contractors and special event permittees.**

(a) Legislative intent. Expanded polystyrene, a petroleum byproduct commonly known as Styrofoam, is neither readily recyclable nor biodegradable and takes hundreds to thousands of years to degrade. Expanded polystyrene is a common pollutant, which fragments into smaller, non-biodegradable pieces that are harmful to marine life, other wildlife, and the environment. The City's goals are to reduce the use of expanded polystyrene and encourage the use of reusable, recyclable, or compostable alternatives.

(b) Definitions. For purposes of this section only, the following definitions shall apply:

(1) City contractor means a contractor, vendor, lessee, concessionaire of the City, or operator of a City facility or property.

(2) Expanded polystyrene means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead foam), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene).

(3) Expanded polystyrene food service articles means plates, bowls, cups, containers, lids, trays, coolers, ice chests, and all similar articles that consist of expanded polystyrene.

(4) Public City facilities includes, but ~~are~~ is not limited to, any buildings, structures,



parks, beaches, or golf courses owned, operated, or managed by the City.

(5) ~~Public City property~~ includes, but is not limited to, any land, water, or air rights owned, operated, or managed by the City.

(6) ~~Special event permittee~~ means any person or entity issued a special event permit by the City for a special event on ~~public~~ City property or in a ~~public~~ City facility.

(c) City contractors and special event permittees shall not sell, use, provide food in, or offer the use of expanded polystyrene food service articles in ~~public~~ City facilities or on ~~public~~ City property. A violation of this section shall be deemed a default under the terms of the City contract, lease, or concession agreement and is grounds for revocation of a special event permit. This subsection shall not apply to expanded polystyrene food service articles used for prepackaged food that have been filled and sealed prior to receipt by the City contractor or special event permittee.

(d) Any City contract, lease, or concession agreement entered into prior to the effective date of this section or any special event permit issued prior to the effective date of this section shall not be subject to the requirements of this section, unless the City contractor or special event permittee voluntarily agrees thereto.

**SECTION 3.** That Subdivision II of Division 5 of Article IV of Chapter 82 of the Code of the City Miami Beach is hereby amended as follows:

## **CHAPTER 82**

### **PUBLIC PROPERTY**

\* \* \*

#### **ARTICLE IV. Uses in Public Rights-of-Way**

\* \* \*

#### **DIVISION 5. Sidewalk Cafes**

\* \* \*

##### **Subdivision II. Permit**

**Sec. 82-385. Minimum standards, criteria, and conditions for operation of sidewalk cafes**

\* \* \*

(p) No food preparation, food storage, ~~expanded polystyrene food service articles~~, refrigeration apparatus or equipment, or fire apparatus or equipment, shall be allowed on the right-of-way. In addition, ~~expanded polystyrene food service articles~~ shall not be provided to sidewalk café patrons.

\* \* \*

### **SECTION 4. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 5. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 6. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**SECTION 7. EFFECTIVE DATE.**

This Ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

\_\_\_\_\_  
Philip Levine, Mayor

(Sponsored by Commissioner Michael Grieco)

Underline denotes additions  
~~Strike through~~ denotes deletions

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney *DT*

7/14/14  
\_\_\_\_\_  
Date



## MIAMI BEACH

CITY OF MIAMI BEACH  
NOTICE OF PUBLIC HEARINGS

**NOTICE IS HEREBY** given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, July 23, 2014**, to consider the following:

**10:05 a.m.**

An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," By Amending Article II, Entitled "Public Places," By Amending Division 2, Entitled "Bicycling, Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Of Transportation," By Amending Section 70-67, Entitled "Prohibited Activities" To Prohibit Motorized Devices Defined As A Vehicle In Section 316.003, Fla. Stat., And Motorized Means Of Transportation On Any Street Or Road Closed To Motor Vehicles By The Police Department For Events During High Impact Periods; By Amending Section 70-69, Entitled "Responsibilities Of Bicyclists, Skaters, And Persons Operating Electric Personal Assistive Mobility Devices," By Amending The Responsibilities Set Forth Therein; By Amending Section 70-70, Entitled "Responsibilities Of Persons And Business Entities Providing Rentals, Leases, And/Or Tours Of Electric Personal Assistive Mobility Devices," By Amending The Responsibilities Set Forth Therein; By Amending Section 70-71, Entitled "Enforcement; Penalties," To Amend And Provide Additional Penalties For Violations Of Sections 70-69(d)-(e) And 70-70, And Amending The Time To Appeal Violations; Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the City Attorney's Office at 305.673.7470.*

**10:10 a.m.**

An Ordinance Amending Chapter 46 Of The Code Of The City Of Miami Beach, Entitled "Environment," By Amending Article III, Entitled "Litter," By Amending Division 1, Entitled "Generally," By Amending Section 46-92 Thereof, Entitled "Litter; Definitions; Prohibitions On Litter; Penalties For Litter And Commercial Handbill Violations; Commercial Handbill Regulations, Fines, And Rebuttable Presumptions; Seizure And Removal Of Litter By The City; Enforcement; Appeals; Liens" To Amend The Definition Of Litter In Subsection (a) By Substituting The Word "Polystyrene" For The Word "Styrofoam" And To Amend Subsection (c) To Prohibit Any Person From Carrying Any Expanded Polystyrene Product Into Any Park Within The City; Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article I, Entitled "In General," By Creating Section 82-7 Thereof, Entitled "Prohibitions Regarding Sale Or Use Of Expanded Polystyrene Food Service Articles By City Contractors And Special Event Permittees," To Prohibit The Sale, Use, And Offering Of Expanded Polystyrene Food Service Articles By City Contractors And Special Event Permittees In City Facilities And On City Property; Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, Entitled "Uses In Public Rights-Of-Way," By Amending Division 5, Entitled "Sidewalk Cafes," By Amending Subdivision II, Entitled "Permit," By Amending Section 82-385 Thereof, Entitled "Minimum Standards, Criteria, And Conditions For Operation Of Sidewalk Cafes," To Provide Prohibitions Regarding Expanded Polystyrene Food Service Articles On The Right-Of-Way; And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the City Attorney's Office at 305.673.7470.*

**10:15 a.m.**

An Ordinance Amending Chapter 82 Of The City Code, Entitled "Public Property," By Amending Article I, Entitled "In General," By Repeating Section 82-5, Entitled "City Signs To Be Obeyed"; Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the City Attorney's Office at 305.673.7470.*

**10:20 a.m.**

An Ordinance Amending Chapter 90 Of The Miami Beach City Code, Entitled "Solid Waste," By Amending Article V, Entitled "Citywide Recycling Program For Multifamily Residences And Commercial Establishments," By Amending Section 90-340, Entitled "Recycling Program And Separation Of Recyclable Materials From Solid Waste Stream Required For Multifamily Residences Of Nine (9) Dwelling Units Or More; Owner/Association Liability; Recycling Contractors' Assistance," To Apply Recycling Requirements To Multifamily Residences Of Two (2) To Eight (8) Dwelling Units As Of November 1, 2014; Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Environmental Division 305.673.7010.*

**10:25 a.m.**

## Concurrency Exemptions

An Ordinance Amending The City Code, By Amending Chapter 122, "Concurrency Management," By Amending Section 122-5, "Exemptions From Concurrency," To Add Temporary Uses In The Public Rights Of Way As An Additional Exemption From Concurrency Requirements, Providing A Procedure To Determine Eligibility For Such Exemption; Providing For Repealer; Codification; Severability And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

**10:30 a.m.**

## Board Member Removal Criteria

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 118, "Administrative And Review Procedures," Article II, "Boards," Division 2, "Planning Board," Section 118-52, "Meetings And Procedures;" Division 3, "Design Review Board," Section 118-74, "Removal;" Division 4, "Historic Preservation Board," Section 105, "Removal;" Division 5, "Board Of Adjustment," Section 118-133, "Removal," By Modifying And Expanding The Removal Criteria Of The Planning Board, Design Review Board, Historic Preservation Board, And Board Of Adjustment, Providing For Repealer; Codification; Severability And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

**10:35 a.m.**

## Time Frame Limitations For Deferrals, Continuances, And Withdrawals

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 118, "Administrative And Review Procedures," Article VIII, "Procedure For Variances And Administrative Appeals," Section 118-352, "Procedure;" Article IV, "Conditional Use Procedure," Section 118-193, "Applications For Conditional Uses;" Amending The Procedures For The Board Of Adjustment And For The Planning Board By Placing Timeframe Limitations On Applications For Purposes Of Deferrals, Continuances, Withdrawals And Submittal Of Applications And Exhibits; Providing For Repealer; Codification; Severability And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

**5:01 p.m.**

## RM-3 Accessory Uses:

An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 142, "Zoning Districts And Regulations," Article IV "Supplementary District Regulations," Division 2, "Accessory Uses," Section 142-902, "Permitted Accessory Uses," Amending Criteria For Accessory Uses In Apartment Buildings; Providing For Repealer; Codification; Severability And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

**Dr. Stanley Sutnick Citizen's Forum** - The times for the Dr. Stanley Sutnick Citizen's Forum are **8:30 a.m.** and **1:00 p.m.**, or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

**INTERESTED PARTIES** are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities and/or any accommodation to review any document or participate in any City-sponsored proceeding, please contact us five days in advance at 305.673.7411 (voice) or TTY users may also call the Florida Relay Service at 711.

Rafael E. Granado, City Clerk  
City of Miami Beach

## IEM Committee

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**From:** Nelson Okumura <nokumura@vipfoodservice.com>  
**Sent:** Thursday, July 24, 2014 10:09 AM  
**To:** IEM Committee  
**Subject:** IEM-5 Testimony in Opposition

Dear Committee IEM,

Please do not move this measure any further.

Products labeled as biodegradable are far more expensive than polystyrene. This means that if this measure is enacted it will increase costs for me and for my customers.

I support the intent of this measure to protect the environment. However, there is no commercial composting facility on Maui, or anywhere in the state. This means biodegradable containers will ultimately end up in landfills where they are no more biodegradable than polystyrene so I do not see any benefit to the environment from enacting this measure.

My customers and I have already had to endure the price increases caused by the recent ban on plastic bags. Even without these added burdens food is expensive here on Maui, Molakai, and Lanai. Taking action that will unnecessarily raise prices even more is something that all of us want to avoid. My customers are my primary concern, I want to keep prices as low as I can for them, and I will only use products that are safe for my customers. I use polystyrene because it is FDA approved and I know that it can safely and securely hold a variety of food, including very hot food. I don't know if the biodegradable alternatives will be as secure and I have heard of people being burned when these types of containers failed. I wonder who would be held accountable and liable if one of my customers was burned because I was forced to switch from a cost effective product I trust to a more expensive, less reliable alternative.

The people of our county care about the environment and make choices everyday to protect the aina. Please let the businesses and customers of our county continue to choose what products are right for them. Forcing people to use a product that increases costs and is not going to offer a benefit to the environment is not the right choice for Maui County.

Please vote no on this measure.

Thank you for the opportunity to testify.

Sincerely,

Nelson T Okumura  
36 Kunihi Ln Apt 223  
Kahului, HI 96732



## IEM Committee

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**From:** Catalina Cross <catalinac@times-supermarket.com>  
**Sent:** Thursday, July 24, 2014 5:13 PM  
**To:** IEM Committee  
**Subject:** IEM-5 Testimony in Opposition

Dear Committee IEM,

Please do not move this measure any further.

Products labeled as biodegradable are far more expensive than polystyrene. This means that if this measure is enacted it will increase costs for me and for my customers.

I support the intent of this measure to protect the environment. However, there is no commercial composting facility on Maui, or anywhere in the state. This means biodegradable containers will ultimately end up in landfills where they are no more biodegradable than polystyrene so I do not see any benefit to the environment from enacting this measure.

My customers and I have already had to endure the price increases caused by the recent ban on plastic bags. Even without these added burdens food is expensive here on Maui, Molakai, and Lanai. Taking action that will unnecessarily raise prices even more is something that all of us want to avoid. My customers are my primary concern, I want to keep prices as low as I can for them, and I will only use products that are safe for my customers. I use polystyrene because it is FDA approved and I know that it can safely and securely hold a variety of food, including very hot food. I don't know if the biodegradable alternatives will be as secure and I have heard of people being burned when these types of containers failed. I wonder who would be held accountable and liable if one of my customers was burned because I was forced to switch from a cost effective product I trust to a more expensive, less reliable alternative.

The people of our county care about the environment and make choices everyday to protect the aina. Please let the businesses and customers of our county continue to choose what products are right for them. Forcing people to use a product that increases costs and is not going to offer a benefit to the environment is not the right choice for Maui County.

Please vote no on this measure.

Thank you for the opportunity to testify.

Sincerely,

Catalina Cross  
91-1014 KEOKOLO ST  
KAPOLEI, HI 96707

## IEM Committee

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**From:** Barb Montenero <mail@changemail.org>  
**Sent:** Friday, July 25, 2014 5:19 PM  
**To:** IEM Committee  
**Subject:** Support a ban on the use and sale of polystyrene disposable food service containers

Dear Infrastructure and Environmental Management Committee,

I just signed Pacific Whale Foundation's petition "[Infrastructure and Environmental Management Committee: Support a ban on the use and sale of polystyrene disposable food service containers](http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers)" on Change.org.

Please support a ban on the use and sale of polystyrene disposable food service containers. Polystyrene is a serious threat to both the environment as well as public health. Commonly used in cheap food ware (plates, cups, 'clamshells', etc), polystyrene does not biodegrade and is responsible for leaching carcinogenic chemicals into food and the surrounding environment. Polystyrene has long been known to be detrimental to the environment, and is often spotted as unwelcome litter both on land and in water, due to its lightweight nature and disposability. In fact, McDonald's stopped using polystyrene containers for their hamburgers as far back as 1990. More and more cities across the country are banning the material, including Miami Beach, which just passed a ban on all Styrofoam products on July 24th. Made from petroleum, polystyrene products are never fully biodegraded and are made from a nonrenewable, rapidly disappearing resource. Their manufacture consumes much energy, and it is difficult to recycle the material. When polystyrene products make it to the ocean, they become harmful marine debris that is dangerous to ocean animals. Polystyrene products are not only dangerous for marine life; they pose a health risk to humans as well. In 2011, the U.S. Department of Health and Human Services listed styrene as a substance "reasonably anticipated to be a carcinogen". Polystyrene food containers, often received with take-out orders or hot beverages, can leach this toxin when in contact with hot foods or liquids. Compostable products are an economically viable and eco-friendly alternative to polystyrene. These products are non-toxic, plant-based and carried by every distributor in Hawai'i. Bills such as a ban on polystyrene food containers are important in reducing our dependency on single use plastics, while also improving environmental and public health.

Sincerely,  
Barb Montenero Waukesha, Wisconsin

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There are now 8 signatures on this petition. Read reasons why people are signing, and respond to Pacific Whale Foundation by clicking here:

<http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers/responses/new?response=8d4ea5a741d8>





## IEM Committee

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**From:** Brian Dunk <mail@changemail.org>  
**Sent:** Friday, July 25, 2014 3:49 PM  
**To:** IEM Committee  
**Subject:** Support a ban on the use and sale of polystyrene disposable food service containers

Dear Infrastructure and Environmental Management Committee,

I just signed Pacific Whale Foundation's petition "[Infrastructure and Environmental Management Committee: Support a ban on the use and sale of polystyrene disposable food service containers](http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers/responses/new?response=8d4ea5a741d8)" on Change.org.

Please support a ban on the use and sale of polystyrene disposable food service containers. Polystyrene is a serious threat to both the environment as well as public health. Commonly used in cheap food ware (plates, cups, 'clamshells', etc), polystyrene does not biodegrade and is responsible for leaching carcinogenic chemicals into food and the surrounding environment. Polystyrene has long been known to be detrimental to the environment, and is often spotted as unwelcome litter both on land and in water, due to its lightweight nature and disposability. In fact, McDonald's stopped using polystyrene containers for their hamburgers as far back as 1990. More and more cities across the country are banning the material, including Miami Beach, which just passed a ban on all Styrofoam products on July 24th. Made from petroleum, polystyrene products are never fully biodegraded and are made from a nonrenewable, rapidly disappearing resource. Their manufacture consumes much energy, and it is difficult to recycle the material. When polystyrene products make it to the ocean, they become harmful marine debris that is dangerous to ocean animals. Polystyrene products are not only dangerous for marine life; they pose a health risk to humans as well. In 2011, the U.S. Department of Health and Human Services listed styrene as a substance "reasonably anticipated to be a carcinogen". Polystyrene food containers, often received with take-out orders or hot beverages, can leach this toxin when in contact with hot foods or liquids. Compostable products are an economically viable and eco-friendly alternative to polystyrene. These products are non-toxic, plant-based and carried by every distributor in Hawai'i. Bills such as a ban on polystyrene food containers are important in reducing our dependency on single use plastics, while also improving environmental and public health.

Sincerely,  
Brian Dunk Calgary, Canada

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There are now 4 signatures on this petition. Read reasons why people are signing, and respond to Pacific Whale Foundation by clicking here:

<http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers/responses/new?response=8d4ea5a741d8>



## IEM Committee

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**From:** Joy Gold <joy@joygoldunlimited.com>  
**Sent:** Friday, July 25, 2014 10:22 AM  
**To:** IEM Committee  
**Cc:** Carmelita Phillips (csdp@kyd-inc.com)  
**Subject:** KYD Inc Testimony for IEM 5, IEM Committee Hearing, Monday July 28  
**Attachments:** KYD\_Maui\_07.28.14\_IEM5.pdf

Aloha,

On behalf of Carmelita Dayao-Phillips, Chief Financial Officer of KYD, Inc, please accept the attached testimony for:  
IEM 5, Polystyrene Disposable Food Service Containers  
Infrastructure and Environmental Management Committee Hearing  
Monday, July 28 – 1:30 pm

Please call me at 808-368-1146 if there are any questions about the testimony submittal.

Thank you,  
Joy Gold

\*\*\*\*\*

Joy Gold Unlimited  
1136 Union Mall, Ste. 403  
Honolulu, Hawaii 96813  
Ph: 808-526-3770 Cell: 808-368-1146 [www.joygoldunlimited.com](http://www.joygoldunlimited.com)

*"Working with you to achieve your organization's mission and public policy goals"*

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**KYD, Inc. dba k. yamada distributors**

*An independent leader in packaging and wholesale distribution*

P.O. BOX 29669, Honolulu, Hawaii 96820 Phone: (808) 836-3221 Fax: (808) 833-8995

**INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE**

**Council of the County of Maui**

**Meeting Agenda**

**July 28, 2014**

**1:30 p.m.**

**ITEM 5: "A BILL FOR AN ORDINANCE ESTABLISHING A NEW  
CHAPTER 20.26, MAUI COUNTY CODE, PERTAINING TO POLYSTYRENE DISPOSABLE  
FOOD SERVICE CONTAINERS"**

**Position: Oppose**

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

I am Carmelita Dayao-Phillips, Chief Financial Officer of KYD Inc, doing business as K Yamada Distributors. Our company is a locally founded, family run business in Kalihi. I apologize that I am not able to be present for this discussion. KYD, Inc. began in the 1940's as a florist and a supplier of florist supplies. In 1958 we evolved into the packaging company we are today and later expanded into a distributor of many other fine products. KYD, Inc and its sister company, Hawaii Foam Products, LLC provide jobs to 100 men and women and contribute much to Hawaii's economy in the form of payroll and taxes.

A major portion of our business is the production and distribution of the packaging materials all of us see and use every day, such as food-grade expanded polystyrene (EPS) food containers. We supply these containers to food processors, food establishments, supermarkets, hotels, hospitals, and other major institutions.

As a Hawaii business and residents, we are concerned about all inappropriate litter disposal that harm our land and water resources. This is a litter management problem that must be addressed and supported by strong programs for land-fill diversion. Please do not create a mandated preference for compostable and other alternative food service products to address a litter management problem. This will only change the type of litter in the land-fill, road-side and water ways.

We strongly oppose this proposed measure that calls for the ban of food-grade, FDA approved EPS food containers. This locally manufactured product supports Hawaii's move toward self-sufficiency because of:

1. Product replacement of imported goods: 1 container load of 40,000 pounds of resin beads locally produces 9 containers of finished product.
2. Reduced carbon foot print of shipping container loads to Hawaii
3. Local manufacturing, of which cost savings have been shared with customers
4. EPS food containers are made of 92% air and on Oahu, contributes to the waste to energy conversion process at H-Power at one of the highest burn rates of 18 BTU

It's been said that compostable products are a better alternative but a closer look at the raw materials needed, water and electrical use, shipping costs, and need for a local commercial/industrial composting facility may indicate otherwise. Compostable product cost comparisons with EPS products vary, but are clearly higher. For example, 8" square foam containers cost \$19.00 case/200 containers; compostable containers of the same size cost \$40.00 case/200 containers.





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The proposed ban on food-grade EPS food containers unnecessarily contributes to Hawaii's difficult business environment. We support the right of business and consumers to choose FDA-approved products they desire and willingness to pay for such products based on their personal beliefs and lifestyle.

We respectfully request that this measure be held in committee. Thank you for the opportunity to provide this testimony.





## IEM Committee

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**From:** Catherine Cohan <mail@changemail.org>  
**Sent:** Friday, July 25, 2014 3:53 PM  
**To:** IEM Committee  
**Subject:** Support a ban on the use and sale of polystyrene disposable food service containers

Dear Infrastructure and Environmental Management Committee,

I just signed Pacific Whale Foundation's petition "[Infrastructure and Environmental Management Committee: Support a ban on the use and sale of polystyrene disposable food service containers](http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers)" on Change.org.

Please support a ban on the use and sale of polystyrene disposable food service containers. Polystyrene is a serious threat to both the environment as well as public health. Commonly used in cheap food ware (plates, cups, 'clamshells', etc), polystyrene does not biodegrade and is responsible for leaching carcinogenic chemicals into food and the surrounding environment. Polystyrene has long been known to be detrimental to the environment, and is often spotted as unwelcome litter both on land and in water, due to its lightweight nature and disposability. In fact, McDonald's stopped using polystyrene containers for their hamburgers as far back as 1990. More and more cities across the country are banning the material, including Miami Beach, which just passed a ban on all Styrofoam products on July 24th. Made from petroleum, polystyrene products are never fully biodegraded and are made from a nonrenewable, rapidly disappearing resource. Their manufacture consumes much energy, and it is difficult to recycle the material. When polystyrene products make it to the ocean, they become harmful marine debris that is dangerous to ocean animals. Polystyrene products are not only dangerous for marine life; they pose a health risk to humans as well. In 2011, the U.S. Department of Health and Human Services listed styrene as a substance "reasonably anticipated to be a carcinogen". Polystyrene food containers, often received with take-out orders or hot beverages, can leach this toxin when in contact with hot foods or liquids. Compostable products are an economically viable and eco-friendly alternative to polystyrene. These products are non-toxic, plant-based and carried by every distributor in Hawai'i. Bills such as a ban on polystyrene food containers are important in reducing our dependency on single use plastics, while also improving environmental and public health.

Sincerely,  
Catherine Cohan Kihei, Hawaii

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There are now 5 signatures on this petition. Read reasons why people are signing, and respond to Pacific Whale Foundation by clicking here:

<http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers/responses/new?response=8d4ea5a741d8>



## IEM Committee

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**From:** Diana McDonald <mail@changemail.org>  
**Sent:** Friday, July 25, 2014 6:08 PM  
**To:** IEM Committee  
**Subject:** Support a ban on the use and sale of polystyrene disposable food service containers

Dear Infrastructure and Environmental Management Committee,

I just signed Pacific Whale Foundation's petition "[Infrastructure and Environmental Management Committee: Support a ban on the use and sale of polystyrene disposable food service containers](http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers)" on Change.org.

Please support a ban on the use and sale of polystyrene disposable food service containers. Polystyrene is a serious threat to both the environment as well as public health. Commonly used in cheap food ware (plates, cups, 'clamshells', etc), polystyrene does not biodegrade and is responsible for leaching carcinogenic chemicals into food and the surrounding environment. Polystyrene has long been known to be detrimental to the environment, and is often spotted as unwelcome litter both on land and in water, due to its lightweight nature and disposability. In fact, McDonald's stopped using polystyrene containers for their hamburgers as far back as 1990. More and more cities across the country are banning the material, including Miami Beach, which just passed a ban on all Styrofoam products on July 24th. Made from petroleum, polystyrene products are never fully biodegraded and are made from a nonrenewable, rapidly disappearing resource. Their manufacture consumes much energy, and it is difficult to recycle the material. When polystyrene products make it to the ocean, they become harmful marine debris that is dangerous to ocean animals. Polystyrene products are not only dangerous for marine life; they pose a health risk to humans as well. In 2011, the U.S. Department of Health and Human Services listed styrene as a substance "reasonably anticipated to be a carcinogen". Polystyrene food containers, often received with take-out orders or hot beverages, can leach this toxin when in contact with hot foods or liquids. Compostable products are an economically viable and eco-friendly alternative to polystyrene. These products are non-toxic, plant-based and carried by every distributor in Hawai'i. Bills such as a ban on polystyrene food containers are important in reducing our dependency on single use plastics, while also improving environmental and public health.

Sincerely,  
Diana McDonald Littleton, Colorado

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There are now 9 signatures on this petition. Read reasons why people are signing, and respond to Pacific Whale Foundation by clicking here:

<http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers/responses/new?response=8d4ea5a741d8>





## **IEM Committee**

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**From:** Dina Mezheritsky <dmezheri@gmail.com>  
**Sent:** Friday, July 25, 2014 9:05 AM  
**To:** IEM Committee  
**Subject:** IEM-5 (ban on polystyrene food containers)

Hello,

My name is Dina Mezheritsky and as a concerned citizen of Maui, I am writing in support of the bill proposing the ban on use and sale of polystyrene disposable food service containers.

Thank you in advance for your consideration in this important matter.

## IEM Committee

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**From:** Kerry Shea <mail@changemail.org>  
**Sent:** Friday, July 25, 2014 3:40 PM  
**To:** IEM Committee  
**Subject:** Support a ban on the use and sale of polystyrene disposable food service containers

Dear Infrastructure and Environmental Management Committee,

I just signed Pacific Whale Foundation's petition "[Infrastructure and Environmental Management Committee: Support a ban on the use and sale of polystyrene disposable food service containers](http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers)" on Change.org.

Please support a ban on the use and sale of polystyrene disposable food service containers. Polystyrene is a serious threat to both the environment as well as public health. Commonly used in cheap food ware (plates, cups, 'clamshells', etc), polystyrene does not biodegrade and is responsible for leaching carcinogenic chemicals into food and the surrounding environment. Polystyrene has long been known to be detrimental to the environment, and is often spotted as unwelcome litter both on land and in water, due to its lightweight nature and disposability. In fact, McDonald's stopped using polystyrene containers for their hamburgers as far back as 1990. More and more cities across the country are banning the material, including Miami Beach, which just passed a ban on all Styrofoam products on July 24th. Made from petroleum, polystyrene products are never fully biodegraded and are made from a nonrenewable, rapidly disappearing resource. Their manufacture consumes much energy, and it is difficult to recycle the material. When polystyrene products make it to the ocean, they become harmful marine debris that is dangerous to ocean animals. Polystyrene products are not only dangerous for marine life; they pose a health risk to humans as well. In 2011, the U.S. Department of Health and Human Services listed styrene as a substance "reasonably anticipated to be a carcinogen". Polystyrene food containers, often received with take-out orders or hot beverages, can leach this toxin when in contact with hot foods or liquids. Compostable products are an economically viable and eco-friendly alternative to polystyrene. These products are non-toxic, plant-based and carried by every distributor in Hawai'i. Bills such as a ban on polystyrene food containers are important in reducing our dependency on single use plastics, while also improving environmental and public health.

Sincerely,  
Kerry Shea New York, New York

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There are now 3 signatures on this petition. Read reasons why people are signing, and respond to Pacific Whale Foundation by clicking here:

<http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers/responses/new?response=8d4ea5a741d8>





## IEM Committee

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**From:** Elle Cochran  
**Sent:** Friday, July 25, 2014 12:52 PM  
**To:** IEM Committee  
**Subject:** FW: IEM-5

**From:** Steve and Jo [<mailto:josteve2002@yahoo.com>]  
**Sent:** Friday, July 25, 2014 10:59 AM  
**To:** Elle Cochran  
**Subject:** IEM-5

Dear Council Member Elle:

We are sending this letter to you because your name was connected to the article we read about the committee to consider a ban on polystyrene containers. We tried to send it directly to the committee, but delivery failed. Would you kindly get this into their hands in time for Monday's meeting?

Mahalo,  
Steve and Jo

July 24, 2014

Ref: IEM - 5

Dear Infrastructure and Environmental Management Committee:

We are writing to very strongly support the ban on polystyrene containers. For the last few years, we have been truly amazed that so many businesses still use these. Some just use them to serve in even if you say you are going to eat there in the restaurant. Often they are the only option offered for take outs. For left overs they are often huge for even a little bit.

When any of this happens, we just hate thinking about the years these containers will sit in the landfill. We have quit going to places that use these all the time, but so many places use them! To allow the styrofoam coolers and containers from outside the county are good exceptions. Please count us two as very strong supporters of the ban you are considering.

Steve and Jo Ginger Schroeder  
Kihei

## IEM Committee

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**From:** Melody Butay Dacanay <melody.butay.dacanay@gmail.com>  
**Sent:** Friday, July 25, 2014 3:36 PM  
**To:** IEM Committee  
**Subject:** Maui - Polystyrene Ban Opposition Testimony.pdf  
**Attachments:** Maui - Polystyrene Ban Opposition Testimony.pdf; ATT00001.txt

Aloha,

Attached is a testimony from Tim Shestek from American Chemistry Council in opposition to the polystyrene ban up for hearing on July 28, 2014. Please confirm that you received this email along with the attachment by responding. Thank you for your assistance on this matter.

=====

Melody Butay Dacanay  
Capitol Consultants of Hawaii, LLP  
(808) 531-4551





July 25, 2014

To: Councilmember Elle Cochran, Chair  
Members of the Infrastructure and Environmental Management Committee

From: Tim Shestek  
Senior Director, State Affairs

RE: **IEM-5 (Polystyrene Food Service Ban) - OPPOSE**

The American Chemistry Council (ACC) must respectfully oppose the proposed ordinance to ban all food vendors in Maui from using polystyrene food service containers. As currently drafted, this bill falsely assumes that banning one type of food packaging material will result in a reduction in litter/marine debris; overlooks many environmental benefits associated with polystyrene food service containers; and if enacted, would result in higher operating costs for restaurants and other food providers, especially small and medium sized businesses.

All packaging leaves an environmental footprint regardless of the material type. It takes energy and raw materials to produce, transport, and recover or dispose of any material. So it is important to measure all of these impacts throughout the entire lifecycle of a product. Consider the following:

- Polystyrene cups weigh anywhere from two to five times less than comparable paper packaging products which means fewer air emissions when transporting products.
- A polystyrene hot beverage cup requires about 50% LESS energy to produce than a similar plastic-coated paperboard cup with a corrugated cup sleeve.
- Studies conducted for Seattle Public Utilities (SPU) showed that banning polystyrene foam food take-out containers would dramatically increase environmental impacts by doubling the greenhouse gas emissions, energy use, and waste associated with the use of alternative products.

ACC certainly shares your concerns over litter and marine debris. However, focusing on a single material type does not reduce litter. The City of San Francisco banned polystyrene containers, but according to a 2008 litter audit conducted for the city, paper cup litter increased after the ban was enacted. Bans result in litter substitution, not elimination.

The proposed ban is likely to hurt approximately 300 locally-owned restaurants and food providers by increasing costs while limiting choice and performance. Polystyrene containers cost 2-3 times less than replacement products, which in some cases do not perform well, especially for very hot and cold food and beverages.

It is also important to know that "bio based" or "degradable containers" only "degrade" in a controlled composting environment – essentially a large industrial facility where temperatures can exceed 140 degrees for several days. Hawaii currently does not have a commercial composting facility that accepts food service materials. In fact, these containers do not degrade if littered alongside the road, deposited into a trash can, nor will they degrade if they make their way into a storm drain or other water body.



ACC and its members take seriously the issue of litter and marine debris. To that end, ACC is working domestically and internationally with government officials, retailers, anti-litter groups and consumers to devise solutions aimed at helping reduce marine debris.

Some of our more recent activity includes helping develop new and innovative recycling programs nationwide; promoting industry-wide practices to contain plastic pellets; partnering with governments and conservationists to encourage recycling and discourage litter; working to educate children on the link between litter and marine health; working with the National Oceanic and Atmospheric Administration to advance scientific understanding of marine debris; and continuing to innovate and develop smaller, lighter packaging. More information about our activities to help reduce marine debris can be found at: <http://www.marinedebrissolutions.com/default.aspx>.

Thank you in advance for considering our views. If you have any questions or comments, please do not hesitate to contact me at 916-448-2581 or via email at [Tim\\_Shestek@americanchemistry.com](mailto:Tim_Shestek@americanchemistry.com). You may also contact ACC's Hawaii based representative Dante Carpenter at 808-596-2980 or via email at [carpenterd@hawaiiantel.net](mailto:carpenterd@hawaiiantel.net).





## IEM Committee

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**From:** Helene Deisher <mail@changemail.org>  
**Sent:** Friday, July 25, 2014 7:37 PM  
**To:** IEM Committee  
**Subject:** Support a ban on the use and sale of polystyrene disposable food service containers

Dear Infrastructure and Environmental Management Committee,

I just signed Pacific Whale Foundation's petition "[Infrastructure and Environmental Management Committee: Support a ban on the use and sale of polystyrene disposable food service containers](http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers)" on Change.org.

Please support a ban on the use and sale of polystyrene disposable food service containers. Polystyrene is a serious threat to both the environment as well as public health. Commonly used in cheap food ware (plates, cups, 'clamshells', etc), polystyrene does not biodegrade and is responsible for leaching carcinogenic chemicals into food and the surrounding environment. Polystyrene has long been known to be detrimental to the environment, and is often spotted as unwelcome litter both on land and in water, due to its lightweight nature and disposability. In fact, McDonald's stopped using polystyrene containers for their hamburgers as far back as 1990. More and more cities across the country are banning the material, including Miami Beach, which just passed a ban on all Styrofoam products on July 24th. Made from petroleum, polystyrene products are never fully biodegraded and are made from a nonrenewable, rapidly disappearing resource. Their manufacture consumes much energy, and it is difficult to recycle the material. When polystyrene products make it to the ocean, they become harmful marine debris that is dangerous to ocean animals. Polystyrene products are not only dangerous for marine life; they pose a health risk to humans as well. In 2011, the U.S. Department of Health and Human Services listed styrene as a substance "reasonably anticipated to be a carcinogen". Polystyrene food containers, often received with take-out orders or hot beverages, can leach this toxin when in contact with hot foods or liquids. Compostable products are an economically viable and eco-friendly alternative to polystyrene. These products are non-toxic, plant-based and carried by every distributor in Hawai'i. Bills such as a ban on polystyrene food containers are important in reducing our dependency on single use plastics, while also improving environmental and public health.

Sincerely,  
Helene Deisher Santee, California

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There are now 12 signatures on this petition. Read reasons why people are signing, and respond to Pacific Whale Foundation by clicking here:  
<http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers/responses/new?response=8d4ea5a741d8>



## IEM Committee

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**From:** janice tumpap <mail@changemail.org>  
**Sent:** Friday, July 25, 2014 3:21 PM  
**To:** IEM Committee  
**Subject:** Support a ban on the use and sale of polystyrene disposable food service containers

Dear Infrastructure and Environmental Management Committee,

I just signed Pacific Whale Foundation's petition "Infrastructure and Environmental Management Committee: Support a ban on the use and sale of polystyrene disposable food service containers" on Change.org.

Please support a ban on the use and sale of polystyrene disposable food service containers. Polystyrene is a serious threat to both the environment as well as public health. Commonly used in cheap food ware (plates, cups, 'clamshells', etc), polystyrene does not biodegrade and is responsible for leaching carcinogenic chemicals into food and the surrounding environment. Polystyrene has long been known to be detrimental to the environment, and is often spotted as unwelcome litter both on land and in water, due to its lightweight nature and disposability. In fact, McDonald's stopped using polystyrene containers for their hamburgers as far back as 1990. More and more cities across the country are banning the material, including Miami Beach, which just passed a ban on all Styrofoam products on July 24th. Made from petroleum, polystyrene products are never fully biodegraded and are made from a nonrenewable, rapidly disappearing resource. Their manufacture consumes much energy, and it is difficult to recycle the material. When polystyrene products make it to the ocean, they become harmful marine debris that is dangerous to ocean animals. Polystyrene products are not only dangerous for marine life; they pose a health risk to humans as well. In 2011, the U.S. Department of Health and Human Services listed styrene as a substance "reasonably anticipated to be a carcinogen". Polystyrene food containers, often received with take-out orders or hot beverages, can leach this toxin when in contact with hot foods or liquids. Compostable products are an economically viable and eco-friendly alternative to polystyrene. These products are non-toxic, plant-based and carried by every distributor in Hawai'i. Bills such as a ban on polystyrene food containers are important in reducing our dependency on single use plastics, while also improving environmental and public health.

Sincerely,  
janice tumpap wailuku, Hawaii

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There are now 2 signatures on this petition. Read reasons why people are signing, and respond to Pacific Whale Foundation by clicking here:

<http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers/responses/new?response=8d4ea5a741d8>





## IEM Committee

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**From:** John Zick <mail@changemail.org>  
**Sent:** Friday, July 25, 2014 7:18 PM  
**To:** IEM Committee  
**Subject:** Support a ban on the use and sale of polystyrene disposable food service containers

Dear Infrastructure and Environmental Management Committee,

I just signed Pacific Whale Foundation's petition "[Infrastructure and Environmental Management Committee: Support a ban on the use and sale of polystyrene disposable food service containers](http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers)" on Change.org.

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Sincerely,  
John Zick Pleasant Grove, Utah

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There are now 11 signatures on this petition. Read reasons why people are signing, and respond to Pacific Whale Foundation by clicking here:  
<http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers/responses/new?response=8d4ea5a741d8>



## IEM Committee

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**From:** Karen Oakes-Sherrow <mail@changemail.org>  
**Sent:** Friday, July 25, 2014 4:21 PM  
**To:** IEM Committee  
**Subject:** Support a ban on the use and sale of polystyrene disposable food service containers

Dear Infrastructure and Environmental Management Committee,

I just signed Pacific Whale Foundation's petition "[Infrastructure and Environmental Management Committee: Support a ban on the use and sale of polystyrene disposable food service containers](http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers)" on Change.org.

Please support a ban on the use and sale of polystyrene disposable food service containers. Polystyrene is a serious threat to both the environment as well as public health. Commonly used in cheap food ware (plates, cups, 'clamshells', etc), polystyrene does not biodegrade and is responsible for leaching carcinogenic chemicals into food and the surrounding environment. Polystyrene has long been known to be detrimental to the environment, and is often spotted as unwelcome litter both on land and in water, due to its lightweight nature and disposability. In fact, McDonald's stopped using polystyrene containers for their hamburgers as far back as 1990. More and more cities across the country are banning the material, including Miami Beach, which just passed a ban on all Styrofoam products on July 24th. Made from petroleum, polystyrene products are never fully biodegraded and are made from a nonrenewable, rapidly disappearing resource. Their manufacture consumes much energy, and it is difficult to recycle the material. When polystyrene products make it to the ocean, they become harmful marine debris that is dangerous to ocean animals. Polystyrene products are not only dangerous for marine life; they pose a health risk to humans as well. In 2011, the U.S. Department of Health and Human Services listed styrene as a substance "reasonably anticipated to be a carcinogen". Polystyrene food containers, often received with take-out orders or hot beverages, can leach this toxin when in contact with hot foods or liquids. Compostable products are an economically viable and eco-friendly alternative to polystyrene. These products are non-toxic, plant-based and carried by every distributor in Hawai'i. Bills such as a ban on polystyrene food containers are important in reducing our dependency on single use plastics, while also improving environmental and public health.

Sincerely,  
Karen Oakes-Sherrow Sonoma, California

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There are now 6 signatures on this petition. Read reasons why people are signing, and respond to Pacific Whale Foundation by clicking here:

<http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers/responses/new?response=8d4ea5a741d8>





## IEM Committee

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**From:** Lauren Campbell <laurencampbell@pacificwhale.org>  
**Sent:** Friday, July 25, 2014 3:33 PM  
**To:** IEM Committee  
**Subject:** Testimony supporting polystyrene ban  
**Attachments:** Testimony Supporting Polystyrene Ban\_July 25 2014.pdf

Please see the attached testimony supporting a bill to ban the use and distribution of polystyrene food service containers.

Thank you,

Lauren

--

Lauren E. Campbell  
Conservation Manager  
Pacific Whale Foundation  
Phone: 808-856-8304

Ma'alaea Harbor Shops  
300 Ma'alaea Rd., Suite 211  
Wailuku, HI 96793



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July 25, 2014

To: Elle Cochran, Chair of Infrastructure and Environmental Management Committee  
RE: Testimony Supporting *A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 20.26, MAUI COUNTY CODE, PERTAINING TO POLYSTYRENE DISPOSABLE FOOD SERVICE CONTAINERS*

Dear Maui County Council,

Pacific Whale Foundation, on behalf of its 150 employees and thousands of members worldwide, supports a bill to establish a ban on the use and distribution of polystyrene disposable food service containers in Maui County.

Polystyrene products are extremely toxic and with less than a 1% recycling rate, are also the least recycled types of plastic. Polystyrene does not biodegrade and can persist in landfills for hundreds, even thousands, of years. Like other types of plastic, polystyrene photodegrades into small, micro-plastics that are then consumed by seabirds and other marine animals. The creation of polystyrene products is also energy and resource intensive.

In addition to the negative environmental impacts, polystyrene poses a public health threat. Polystyrene, for example, is comprised of the carcinogens styrene and benzene (to name a few). These chemicals leach not only into foods, but are also released into the air when polystyrene products are burned.

Recognizing the significant environmental and public health impacts of polystyrene, Pacific Whale Foundation chose to switch to the use of biocompostable products in 2006. Biocompostable products are now used on all Pacific Whale Foundation eco-tour vessels, as well as in the Pacific Whale Foundation affiliated *Porto Pizzeria* restaurant.

Compostable products are an economically viable, eco-friendly alternative to polystyrene. Not only non-toxic and plant-based, compostable products are also less resource intensive. Furthermore, every distributor in Hawai'i carries compostable alternatives ([www.bpiworld.org](http://www.bpiworld.org)).

In 1988, Suffolk County in Long Island became the first US jurisdiction to institute a ban on polystyrene food packaging. Today, more than 100 cities in the US have banned polystyrene food packaging, and the list continues to grow. San Francisco, for example, requires that all takeout food packaging is recyclable or compostable. Most recently (on July 24<sup>th</sup>), Miami Beach became the first municipality in Florida to ban the use of polystyrene containers at all city parks, events, buildings and sidewalk cafes.

To date, there has been no evidence to support the argument that switching to compostable alternatives imposes a significant economic burden on the food service industry.

As we learned with the plastic bag ban, just one, single bill that addresses the issue of polystyrene could have incredibly positive and far-reaching impacts for Maui's ocean environment, coastal environment and community. Please support a ban on the use and distribution of polystyrene containers in Maui County.

Sincerely,

Lauren Campbell

Conservation Manager  
Pacific Whale Foundation

## IEM Committee

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**From:** Leonetta Bruwer <mail@changemail.org>  
**Sent:** Friday, July 25, 2014 6:49 PM  
**To:** IEM Committee  
**Subject:** Support a ban on the use and sale of polystyrene disposable food service containers

Dear Infrastructure and Environmental Management Committee,

I just signed Pacific Whale Foundation's petition "[Infrastructure and Environmental Management Committee: Support a ban on the use and sale of polystyrene disposable food service containers](http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers)" on Change.org.

Please support a ban on the use and sale of polystyrene disposable food service containers. Polystyrene is a serious threat to both the environment as well as public health. Commonly used in cheap food ware (plates, cups, 'clamshells', etc), polystyrene does not biodegrade and is responsible for leaching carcinogenic chemicals into food and the surrounding environment. Polystyrene has long been known to be detrimental to the environment, and is often spotted as unwelcome litter both on land and in water, due to its lightweight nature and disposability. In fact, McDonald's stopped using polystyrene containers for their hamburgers as far back as 1990. More and more cities across the country are banning the material, including Miami Beach, which just passed a ban on all Styrofoam products on July 24th. Made from petroleum, polystyrene products are never fully biodegraded and are made from a nonrenewable, rapidly disappearing resource. Their manufacture consumes much energy, and it is difficult to recycle the material. When polystyrene products make it to the ocean, they become harmful marine debris that is dangerous to ocean animals. Polystyrene products are not only dangerous for marine life; they pose a health risk to humans as well. In 2011, the U.S. Department of Health and Human Services listed styrene as a substance "reasonably anticipated to be a carcinogen". Polystyrene food containers, often received with take-out orders or hot beverages, can leach this toxin when in contact with hot foods or liquids. Compostable products are an economically viable and eco-friendly alternative to polystyrene. These products are non-toxic, plant-based and carried by every distributor in Hawai'i. Bills such as a ban on polystyrene food containers are important in reducing our dependency on single use plastics, while also improving environmental and public health.

Sincerely,  
Leonetta Bruwer Durban, South Africa

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There are now 10 signatures on this petition. Read reasons why people are signing, and respond to Pacific Whale Foundation by clicking here:

<http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers/responses/new?response=8d4ea5a741d8>





## IEM Committee

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**From:** Millie Wong <mail@changemail.org>  
**Sent:** Friday, July 25, 2014 10:32 PM  
**To:** IEM Committee  
**Subject:** Support a ban on polystyrene food service containers

Dear Infrastructure and Environmental Management Committee,

I just signed Surfrider Foundation: Maui Chapter's petition "[Infrastructure and Environmental Management Committee: Support a ban on polystyrene food service containers](#)" on Change.org.

Please support a ban on polystyrene food service containers. Polystyrene foam products are bad for human health and the environment: \* Polystyrene does not biodegrade, but instead breaks down into micro-plastics that are often consumed by seabirds and other marine animals; \* Polystyrene products are more than 90% air, causing them to break apart easily and litter waterways or blow out to sea; \* Polystyrene products are made from styrene, a known carcinogen and neurotoxin that leaches into hot, greasy food; \* According to the U.S. Environmental Protection Agency, 100% of Americans have styrene in their bodies. \* Polystyrene foam products are the most toxic and least recycled (less than 1%) type of plastic; \* The resources and energy to make 1 polystyrene container could make 3 compostable containers; Compostable products are an economical and eco-friendly alternative to polystyrene. They are non-toxic, plant-based and carried by every distributor in Hawai'i. To date, there have been no documented cases of restaurants or food providers going out of business because of these bans. Maui County's environment and community would greatly benefit from a ban on polystyrene food containers. Thank you for supporting this important initiative!

Sincerely,  
Millie Wong Moraga, California

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There are now 2 signatures on this petition. Read reasons why people are signing, and respond to Surfrider Foundation: Maui Chapter by clicking here:  
<http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-polystyrene-food-service-containers/responses/new?response=8d4ea5a741d8>



## IEM Committee

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**From:** n marciel <mail@changemail.org>  
**Sent:** Friday, July 25, 2014 11:01 PM  
**To:** IEM Committee  
**Subject:** Support a ban on polystyrene food service containers

Dear Infrastructure and Environmental Management Committee,

I just signed Surfrider Foundation: Maui Chapter's petition "[Infrastructure and Environmental Management Committee: Support a ban on polystyrene food service containers](http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-polystyrene-food-service-containers)" on Change.org.

Please support a ban on polystyrene food service containers. Polystyrene foam products are bad for human health and the environment: \* Polystyrene does not biodegrade, but instead breaks down into micro-plastics that are often consumed by seabirds and other marine animals; \* Polystyrene products are more than 90% air, causing them to break apart easily and litter waterways or blow out to sea; \* Polystyrene products are made from styrene, a known carcinogen and neurotoxin that leaches into hot, greasy food; \* According to the U.S. Environmental Protection Agency, 100% of Americans have styrene in their bodies. \* Polystyrene foam products are the most toxic and least recycled (less than 1%) type of plastic; \* The resources and energy to make 1 polystyrene container could make 3 compostable containers; Compostable products are an economical and eco-friendly alternative to polystyrene. They are non-toxic, plant-based and carried by every distributor in Hawai'i. To date, there have been no documented cases of restaurants or food providers going out of business because of these bans. Maui County's environment and community would greatly benefit from a ban on polystyrene food containers. Thank you for supporting this important initiative!

Sincerely,  
n marciel Santa Clara, California

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There are now 3 signatures on this petition. Read reasons why people are signing, and respond to Surfrider Foundation: Maui Chapter by clicking here:  
<http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-polystyrene-food-service-containers/responses/new?response=8d4ea5a741d8>



## IEM Committee

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**From:** Rachel Witham <mail@changemail.org>  
**Sent:** Friday, July 25, 2014 8:06 PM  
**To:** IEM Committee  
**Subject:** Support a ban on the use and sale of polystyrene disposable food service containers

Dear Infrastructure and Environmental Management Committee,

I just signed Pacific Whale Foundation's petition "[Infrastructure and Environmental Management Committee: Support a ban on the use and sale of polystyrene disposable food service containers](http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers)" on Change.org.

Please support a ban on the use and sale of polystyrene disposable food service containers. Polystyrene is a serious threat to both the environment as well as public health. Commonly used in cheap food ware (plates, cups, 'clamshells', etc), polystyrene does not biodegrade and is responsible for leaching carcinogenic chemicals into food and the surrounding environment. Polystyrene has long been known to be detrimental to the environment, and is often spotted as unwelcome litter both on land and in water, due to its lightweight nature and disposability. In fact, McDonald's stopped using polystyrene containers for their hamburgers as far back as 1990. More and more cities across the country are banning the material, including Miami Beach, which just passed a ban on all Styrofoam products on July 24th. Made from petroleum, polystyrene products are never fully biodegraded and are made from a nonrenewable, rapidly disappearing resource. Their manufacture consumes much energy, and it is difficult to recycle the material. When polystyrene products make it to the ocean, they become harmful marine debris that is dangerous to ocean animals. Polystyrene products are not only dangerous for marine life; they pose a health risk to humans as well. In 2011, the U.S. Department of Health and Human Services listed styrene as a substance "reasonably anticipated to be a carcinogen". Polystyrene food containers, often received with take-out orders or hot beverages, can leach this toxin when in contact with hot foods or liquids. Compostable products are an economically viable and eco-friendly alternative to polystyrene. These products are non-toxic, plant-based and carried by every distributor in Hawai'i. Bills such as a ban on polystyrene food containers are important in reducing our dependency on single use plastics, while also improving environmental and public health.

Sincerely,  
Rachel Witham Cinderford, United Kingdom

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There are now 14 signatures on this petition. Read reasons why people are signing, and respond to Pacific Whale Foundation by clicking here:  
<http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers/responses/new?response=8d4ea5a741d8>





## IEM Committee

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**From:** Rick Wilson <mail@changemail.org>  
**Sent:** Friday, July 25, 2014 4:49 PM  
**To:** IEM Committee  
**Subject:** Support a ban on the use and sale of polystyrene disposable food service containers

Dear Infrastructure and Environmental Management Committee,

I just signed Pacific Whale Foundation's petition "[Infrastructure and Environmental Management Committee: Support a ban on the use and sale of polystyrene disposable food service containers](#)" on Change.org.

Please support a ban on the use and sale of polystyrene disposable food service containers. Polystyrene is a serious threat to both the environment as well as public health. Commonly used in cheap food ware (plates, cups, 'clamshells', etc), polystyrene does not biodegrade and is responsible for leaching carcinogenic chemicals into food and the surrounding environment. Polystyrene has long been known to be detrimental to the environment, and is often spotted as unwelcome litter both on land and in water, due to its lightweight nature and disposability. In fact, McDonald's stopped using polystyrene containers for their hamburgers as far back as 1990. More and more cities across the country are banning the material, including Miami Beach, which just passed a ban on all Styrofoam products on July 24th. Made from petroleum, polystyrene products are never fully biodegraded and are made from a nonrenewable, rapidly disappearing resource. Their manufacture consumes much energy, and it is difficult to recycle the material. When polystyrene products make it to the ocean, they become harmful marine debris that is dangerous to ocean animals. Polystyrene products are not only dangerous for marine life; they pose a health risk to humans as well. In 2011, the U.S. Department of Health and Human Services listed styrene as a substance "reasonably anticipated to be a carcinogen". Polystyrene food containers, often received with take-out orders or hot beverages, can leach this toxin when in contact with hot foods or liquids. Compostable products are an economically viable and eco-friendly alternative to polystyrene. These products are non-toxic, plant-based and carried by every distributor in Hawai'i. Bills such as a ban on polystyrene food containers are important in reducing our dependency on single use plastics, while also improving environmental and public health.

Sincerely,  
Rick Wilson Oceanside, California

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There are now 7 signatures on this petition. Read reasons why people are signing, and respond to Pacific Whale Foundation by clicking here:

<http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers/responses/new?response=8d4ea5a741d8>



## IEM Committee

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**From:** Robin Rush <mail@changemail.org>  
**Sent:** Friday, July 25, 2014 7:50 PM  
**To:** IEM Committee  
**Subject:** Support a ban on the use and sale of polystyrene disposable food service containers

Dear Infrastructure and Environmental Management Committee,

I just signed Pacific Whale Foundation's petition "[Infrastructure and Environmental Management Committee: Support a ban on the use and sale of polystyrene disposable food service containers](#)" on Change.org.

Please support a ban on the use and sale of polystyrene disposable food service containers. Polystyrene is a serious threat to both the environment as well as public health. Commonly used in cheap food ware (plates, cups, 'clamshells', etc), polystyrene does not biodegrade and is responsible for leaching carcinogenic chemicals into food and the surrounding environment. Polystyrene has long been known to be detrimental to the environment, and is often spotted as unwelcome litter both on land and in water, due to its lightweight nature and disposability. In fact, McDonald's stopped using polystyrene containers for their hamburgers as far back as 1990. More and more cities across the country are banning the material, including Miami Beach, which just passed a ban on all Styrofoam products on July 24th. Made from petroleum, polystyrene products are never fully biodegraded and are made from a nonrenewable, rapidly disappearing resource. Their manufacture consumes much energy, and it is difficult to recycle the material. When polystyrene products make it to the ocean, they become harmful marine debris that is dangerous to ocean animals. Polystyrene products are not only dangerous for marine life; they pose a health risk to humans as well. In 2011, the U.S. Department of Health and Human Services listed styrene as a substance "reasonably anticipated to be a carcinogen". Polystyrene food containers, often received with take-out orders or hot beverages, can leach this toxin when in contact with hot foods or liquids. Compostable products are an economically viable and eco-friendly alternative to polystyrene. These products are non-toxic, plant-based and carried by every distributor in Hawai'i. Bills such as a ban on polystyrene food containers are important in reducing our dependency on single use plastics, while also improving environmental and public health.

Sincerely,  
Robin Rush Aptos, California

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There are now 13 signatures on this petition. Read reasons why people are signing, and respond to Pacific Whale Foundation by clicking here:  
<http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers/responses/new?response=8d4ea5a741d8>



## **IEM Committee**

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**From:** Maui Chair <chair@maui.surfrider.org>  
**Sent:** Friday, July 25, 2014 4:11 PM  
**To:** IEM Committee  
**Subject:** RE: Supporting Ban on Polystyrene  
**Attachments:** Surfrider Foundation\_Testimony Supporting Polystyrene Ban.pdf

Please see the attached testimony supporting a ban on polystyrene food containers.

Sincerely,

Executive Committee  
Surfrider Foundation, Maui Chapter





July 25, 2014

To: Elle Cochran, Chair of Infrastructure and Environmental Management Committee

RE: Testimony Supporting *A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 20.26, MAUI COUNTY CODE, PERTAINING TO POLYSTYRENE DISPOSABLE FOOD SERVICE CONTAINERS*

Dear Maui County Council,

Surfrider Foundation Maui Chapter, on behalf of its Executive Committee and Maui-based members, supports a bill to establish a ban on the use and distribution of polystyrene disposable food service containers in Maui County.

Polystyrene products pose a serious threat to both the environment and public health. Polystyrene is highly toxic and does not biodegrade in the environment. In fact, polystyrene can persist for thousands of years in a landfill, and is commonly ingested by marine wildlife. During our monthly beach cleanups, Surfrider members regularly find polystyrene products along the shoreline, which eventually end up in the ocean as marine debris.

Polystyrene is made from styrene, a known carcinogen and neurotoxin that leach into hot, greasy food. According to the U.S. Environmental Protection Agency, 100% of Americans have styrene in their bodies.

These negative impacts have inspired many restaurants, organizations and even cities to use only biocompostable products. Surfrider Foundation Maui Chapter has followed suit, and now uses *only* compostable products at its events and beach cleanups. Compostable products are non-toxic, plant-based and eco-friendly. The resources and energy used to make 1 polystyrene container, for example, could make 3 compostable containers. Compostable foodservice products also take up half the space of polystyrene products and produce 40% more energy per container when burned.

Surfrider Foundation Maui Chapter fully supports a ban on polystyrene food service products and applauds the County Council for considering this issue.

Sincerely,

Surfrider Foundation Maui Chapter Executive Committee:

Lauren Campbell  
Tim Lara  
Robi Campbell  
Josh Hamlin  
Kyle Juk  
Andrew O'Riordan  
Lucianne DeNaie

## IEM Committee

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**From:** Tatiana Kumagai <mail@changemail.org>  
**Sent:** Friday, July 25, 2014 8:57 PM  
**To:** IEM Committee  
**Subject:** Support a ban on the use and sale of polystyrene disposable food service containers

Dear Infrastructure and Environmental Management Committee,

I just signed Pacific Whale Foundation's petition "[Infrastructure and Environmental Management Committee: Support a ban on the use and sale of polystyrene disposable food service containers](http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers)" on Change.org.

Please support a ban on the use and sale of polystyrene disposable food service containers. Polystyrene is a serious threat to both the environment as well as public health. Commonly used in cheap food ware (plates, cups, 'clamshells', etc), polystyrene does not biodegrade and is responsible for leaching carcinogenic chemicals into food and the surrounding environment. Polystyrene has long been known to be detrimental to the environment, and is often spotted as unwelcome litter both on land and in water, due to its lightweight nature and disposability. In fact, McDonald's stopped using polystyrene containers for their hamburgers as far back as 1990. More and more cities across the country are banning the material, including Miami Beach, which just passed a ban on all Styrofoam products on July 24th. Made from petroleum, polystyrene products are never fully biodegraded and are made from a nonrenewable, rapidly disappearing resource. Their manufacture consumes much energy, and it is difficult to recycle the material. When polystyrene products make it to the ocean, they become harmful marine debris that is dangerous to ocean animals. Polystyrene products are not only dangerous for marine life; they pose a health risk to humans as well. In 2011, the U.S. Department of Health and Human Services listed styrene as a substance "reasonably anticipated to be a carcinogen". Polystyrene food containers, often received with take-out orders or hot beverages, can leach this toxin when in contact with hot foods or liquids. Compostable products are an economically viable and eco-friendly alternative to polystyrene. These products are non-toxic, plant-based and carried by every distributor in Hawai'i. Bills such as a ban on polystyrene food containers are important in reducing our dependency on single use plastics, while also improving environmental and public health.

Sincerely,  
Tatiana Kumagai Celbridge,

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There are now 15 signatures on this petition. Read reasons why people are signing, and respond to Pacific Whale Foundation by clicking here:  
<http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-the-use-and-sale-of-polystyrene-disposable-food-service-containers/responses/new?response=8d4ea5a741d8>



## IEM Committee

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**From:** Amy Kuhns <mail@changemail.org>  
**Sent:** Saturday, July 26, 2014 8:45 AM  
**To:** IEM Committee  
**Subject:** Support a ban on polystyrene food service containers

Dear Infrastructure and Environmental Management Committee,

I just signed Surfrider Foundation: Maui Chapter's petition "[Infrastructure and Environmental Management Committee: Support a ban on polystyrene food service containers](#)" on Change.org.

Please support a ban on polystyrene food service containers. Polystyrene foam products are bad for human health and the environment: \* Polystyrene does not biodegrade, but instead breaks down into micro-plastics that are often consumed by seabirds and other marine animals; \* Polystyrene products are more than 90% air, causing them to break apart easily and litter waterways or blow out to sea; \* Polystyrene products are made from styrene, a known carcinogen and neurotoxin that leaches into hot, greasy food; \* According to the U.S. Environmental Protection Agency, 100% of Americans have styrene in their bodies. \* Polystyrene foam products are the most toxic and least recycled (less than 1%) type of plastic; \* The resources and energy to make 1 polystyrene container could make 3 compostable containers; Compostable products are an economical and eco-friendly alternative to polystyrene. They are non-toxic, plant-based and carried by every distributor in Hawai'i. To date, there have been no documented cases of restaurants or food providers going out of business because of these bans. Maui County's environment and community would greatly benefit from a ban on polystyrene food containers. Thank you for supporting this important initiative!

Sincerely,  
Amy Kuhns Makawao, Hawaii

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There are now 4 signatures on this petition. Read reasons why people are signing, and respond to Surfrider Foundation: Maui Chapter by clicking here:  
<http://www.change.org/petitions/infrastructure-and-environmental-management-committee-support-a-ban-on-polystyrene-food-service-containers/responses/new?response=8d4ea5a741d8>





## IEM Committee

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**From:** sotdh Anne <anne@schoolofthedeepheart.com>  
**Sent:** Saturday, July 26, 2014 4:19 PM  
**To:** IEM Committee  
**Subject:** IEM-5 POLYSTYRENE DISPOSABLE FOOD SERVICE CONTAINERS

Please ban styrofoam for the aina! My family and I are in support of this movement to clean up the islands and the ocean.

Please do your part. Without a healthy environment, other concerns have little meaning.

Aloha,  
Anne Rice