

**ENVIRONMENTAL, AGRICULTURAL, AND CULTURAL
PRESERVATION COMMITTEE**
Council of the County of Maui

MINUTES

February 18, 2020

Council Chamber

CONVENE: 1:31 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Shane M. Sinenci, Chair
Councilmember Tasha Kama, Vice-Chair (arrived at 1:33 p.m.)
Councilmember Kelly Takaya King
Councilmember Michael J. Molina
Councilmember Tamara Paltin
Councilmember Yuki Lei K. Sugimura

EXCUSED: VOTING MEMBERS:

Councilmember Alice L. Lee

STAFF:

Kasie Apo Takayama, Legislative Analyst
Nicole Siegel, Committee Secretary
Richard Mitchell, Substitute Legislative Attorney (*seated in gallery*)

Zhantell Lindo, Council Aide, Molokai Council Office (via telephone conference bridge)

Mavis Oliveira-Medeiros, Council Aide, Hana Council Office (via telephone conference bridge)

Don Atay, Executive Assistant to Councilmember Shane M. Sinenci

ADMIN.:

Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel
Stephanie Chen, Deputy Corporation Counsel, Department of the Corporation Counsel
Eric Nakagawa, Director, Department of Environmental Management
Tamara Farnsworth, Environmental Protection and Sustainability Division Chief, Department of Environmental Management

OTHERS:

Anne Summers
Alyssa Ching
Sebastian Bautista
Ana Viernes
Bruce Chadwick, Founder, Board Member, Love the Sea
Cheryl King
Hannah Bernard, Executive Director, Hawaii Wildlife Fund

Kevin Watkin II, Founder, Maui Sustainable Solutions
Gretchen Losano, School Garden Coordinator, Grow Some Good & Director of
Food Resource Recovery, Zero Waste Maui
Susan Elias
Jasee Law
Others (13)

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

CHAIR SINENCI: ... *(gavel)* ... Will the Environmental, Agricultural, and Cultural Preservation Committee please come to order. It's Tuesday, February 18, 2020, and it is 1:31 in the afternoon. I'm Shane Sinenci, your Committee Chair, and before we begin, I'd like to please ask that everyone silence all cell phones or noise-making devices. Thank you. With me today, we're awaiting Committee Chair *[sic]* Tasha Kama, but she's welcome to join us. We have Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: ...*(inaudible)*...

CHAIR SINENCI: Welcome. From West Maui, we have Councilmember Tamara Paltin. Welcome.

COUNCILMEMBER PALTIN: Aloha awakea, Chair.

CHAIR SINENCI: Aloha awakea. Also, we have Member Kelly King.

COUNCILMEMBER KING: Aloha. Good afternoon.

CHAIR SINENCI: Good afternoon. Thank you for being here. And also from Upcountry, we have Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Aloha auinala, Mr. Chairman.

CHAIR SINENCI: Thanks for being here. That was a great meeting this morning. Non-voting members today, we have Mr. Riki Hokama and Ms. Keani Rawlins-Fernandez and they're always welcome to join us if they so choose. Today we have from the Deputy Corporation Counsel, Ms. Richelle Thomson and Ms. Stephanie Chen. Aloha and welcome. And from...welcome, Eric Nakagawa, the Director of Department of Environmental Management.

MR. NAKAGAWA: Aloha.

CHAIR SINENCI: Aloha. And Ms. Tamara Farnsworth with the Environmental Protection Sustainable Division Chief.

MS. FARNSWORTH: Aloha.

CHAIR SINENCI: Thanks for being here. For Staff, we have Ms. Kasie Apo Takayama and Ms. Nicole Siegel. And in our District Offices, we have Ms. Mavis Oliveira-Medeiros in our Hana Office. Our Lanai District Office is closed today, and Ms. Zhantell Lindo from, in our Molokai District Office. So, welcome everybody. Thank you for being here. Today

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on our agenda we have EACP-16, Restricting the Use and Sale of Single-Use Plastic Disposable Foodware. And so, for individuals testifying in the Chamber, please sign up at the desk just outside the Chamber door. If testifying from one of the remote testimony sites, please sign up with District Staff. Testimony will be limited to the items on the agenda, and pursuant to the Rules of the Council, each testifier will be allowed to testify for up to three minutes. There is only one item on today's agenda. When testifying, please state your name and the name of any organization you may be representing, and pursuant to the Rules of the Council if you are a paid lobbyist. You have three minutes so while testifying you'll see a green light and then when you see the yellow light it means that you have 30 seconds and then red light means to conclude. So, we have some students today and if there are no objections, we wanted to bring them up because they've got a bus to catch.

COUNCILMEMBERS: No objections.

CHAIR SINENCI: Thank you, members. Ms. Apo Takayama?

. . . BEGIN PUBLIC TESTIMONY . . .

MS. APO TAKAYAMA: Thank you, Chair. The first person signed up to testify in the Chamber is Anne Summers, testifying on EACP-16, to be followed by Alyssa Ching.

CHAIR SINENCI: And for our teachers from Iao Middle School if you could state what classroom you are teaching and what subject.

MS. SUMMERS: Okay.

CHAIR SINENCI: Thank you.

MS. SUMMERS: Aloha, my name is Anne Summers. I'm a sixth grade Social Studies teacher at Iao Middle School. Thank you, Chair Sinenci and Committee Members, for welcoming our Iao school students. As a teacher nothing is more meaningful than having our students participant in this democratic process by having their voices heard. We teachers are so very proud of these courageous students. To give you a little background, our seventh-grade students have been working on a social issue research project in their English classes. Today, they, along with their teachers, are here to urge you, our Maui County representatives, to do what is pono for our keiki's future and adopt this bill to restrict the use and sale of single-use plastic. I feel strongly that every adult should feel it is their kuleana to protect our keiki's future with policies such as these. I often walk along the North Shore coastline and microplastic is already ubiquitous. The effects of plastic on our Hawaii eco-system is devastating to our way of life. If you believe the science and what is already visual evident, then we adults must act now. Hawaii has such a unique and special culture, as well as a fragile environment. If we value it, we must protect it. I want to close by reading the English translation of a beloved song that every local raised in Hawaii knows. Hawaii Aloha. We often hold hands in comradery as we sing it in olelo, but do we really contemplate the words?

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Listen carefully as I read its translation now. "O Hawaii. O sands of my birth. My native home. I rejoice in the blessings of heaven. O Hawaii aloha. Happy youth of Hawaii. Rejoice, rejoice. Gentle breezes blow. Love always for Hawaii. God protects you. Your beloved ridges. Your ever-glistening streams. Your beautiful flower gardens." In the spirit of these words, please adopt this bill and continue Hawaii's efforts to preserve this special place for generations to come. Mahalo nui loa for this opportunity to testify. Thank you.

CHAIR SINENCI: Mahalo, Ms. Summers. Chair would like to recognize Vice-Chair Tasha Kama. Welcome.

VICE-CHAIR KAMA: Aloha, Chair.

CHAIR SINENCI: Aloha. Ms. Summers, we had a question from Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you very much for being here, Ms. Summers. So, I was just curious your students that are standing behind you. The one that has a poster, I was just wondering what it says because I can't see it, if you summarize it

MS. SUMMERS: Okay. Fernando, do you want to, or, Sebastian, would you like to talk a little bit about the poster?

CHAIR SINENCI: Can you come up to the mic?

MS. SUMMERS: Okay. Maybe bring...

CHAIR SINENCI: Please state your name.

MASTER BAUTISTA: I'm Sebastian Bautista and this poster was for our social issues project that we did in ELA. Like two or three weeks ago maybe? And, my topic was about plastic and how it was destroying our world. And so, from the poster, I put...on the poster, there is this subheading that is entitled Toxic Plastic. And it basically talks about how plastic actually has some poisonous chemicals in it that can harm you even if you touch it. There's also another one entitled Unbreakable Plastic, which is telling us about how plastic never really goes away, but it just breaks down into smaller pieces. There's one about wildlife and how it's affecting our wildlife, you know, animals eating it and all that. There's ton of waste so that's like the number of plastics that we're using each year and if we were to try to set plastic to fire, I put that as one of my subheadings. Because if we try to put it to fire then it would release those toxic chemicals into our air. Yeah, that's it.

CHAIR SINENCI: Thank you, Mr. Bautista.

COUNCILMEMBER SUGIMURA: Yeah, thank you very much for sharing that.

CHAIR SINENCI: Thank you.

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UNIDENTIFIED SPEAKER: Chair?

CHAIR SINENCI: We had another question from Member King.

COUNCILMEMBER KING: Can I just ask you to read that slogan at the bottom, because I think that's a great slogan.

MASTER BAUTISTA: The slogan, it says, do something drastic and say no to plastic.

COUNCILMEMBER KING: Thank you.

CHAIR SINENCI: Do you want to have, kind of, I don't know if all the members can see it, so if you want to come in front to show your poster? Thank you. Just come up front here.

COUNCILMEMBER KING: Do you need to take this back for your school project?

MS. SUMMERS: It's from my class. It can stay if you would like.

COUNCILMEMBER KING: It can stay? 'Cause you can lean it up against that podium, that stand if you want.

CHAIR SINENCI: Thank you.

COUNCILMEMBER KING: I'm gonna take a picture of it. Thank you.

CHAIR SINENCI: Okay. Ms. Apo Takayama, our next testifier?

MS. APO TAKAYAMA: Thank you, Chair. The next testifier is Alyssa Ching to be followed by Sebastian Bautista.

MS. CHING: Good afternoon, Councilmembers. Thank you for this opportunity to speak before you. My name is Alyssa Ching, a seventh grader at Iao School. I am presenting to you my testimony to support the bill to restrict use and sale of single-use plastic disposable foodware in Maui County. I am 12 years old and I don't know about you, but I don't want to grow up in a world where our earth is deteriorating and that is what our planet is progressing towards. The effects of single-use plastics are very harmful to the environment. Single-use plastics are plastics used only once, then thrown away and cannot be recycled. Plastics don't biodegrade. They break down into even smaller plastics called microplastics. When plastic particles breakdown they receive new chemical properties. This increases the possibility that smaller organisms will also acquire the toxic effect from plastics. As I said, plastics don't biodegrade. Because of this, the plastic is traveling through the life cycle. We live on an island where people eat fish every day. When the fish get poisoned by consuming the plastic, we get poisoned when we eat fish or other sea creatures that consume plastic. It's not just the sea that's polluted. Our air, the soil, even possibly the water we drink, and so much more are affected. I understand that plastic may be convenient. I have to admit I would use single-use plastics all the time before. So, I understand why companies use plastics.

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Plastic was designed to last a long time and can be easy and convenient. But everything adds up. Did you know that over 300 million tons of plastic are made every year? The thing is, half of that is single-use plastics and this problem of single-use plastics is really hurting the ecosystem. This problem not only affects us, it affects all humankind. The animals, the plants, everyone and everything in nature. I hope you put this into consideration when making your decision regarding the bill. Thank you for your time.

CHAIR SINENCI: Mahalo, Ms. Ching. Any questions for our testifier? Seeing none...oh, Ms. King?

COUNCILMEMBER KING: Thank you. Can you repeat that statistic you had in there? Did you say half a million tons or?

MS. CHING: Three hundred million tons.

COUNCILMEMBER KING: Three hundred million tons of plastic?

MS. CHING: Are made every year.

COUNCILMEMBER KING: Is that in the State or in the world.?

MS. CHING: In the world.

COUNCILMEMBER KING: In the world and then you said half of that...

MS. CHING: Half of that is single-use plastics. Yes.

COUNCILMEMBER KING: Thank you.

CHAIR SINENCI: Thank you for your testimony. Are there anyone else who wants to testify? Go ahead.

MS. APO TAKAYAMA: Chair, the next testifier is Sebastian Bautista to be followed by Ana Viernes.

MASTER BAUTISTA: Good afternoon, Councilmembers. My name is Sebastian Bautista and I'm a student that goes to Iao School. It's a pleasure to be here in front of you guys and I'm here today to support the bill to restrict the use and sale of single-use plastic disposable foodware. We're surrounded by plastic, but it's only the single-use plastics that we discard every day. As you may or may not know, the world is 71 percent water and home to all of marine life. This also means that there is a 71 percent chance that every single-use plastic we throw away could get into our oceans and kill marine life. Scientists estimate that in five years, only five years, there will be more plastic than fish in our oceans and it's sad, because people think that they are safe from the plastic they throw away. However, like I said, there could be more plastic than fish in our oceans. What do you think the fish will do? They're gonna mistake that plastic for food. Then what happens to that fish? It's served in restaurants. We eat that fish and whatever it

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eats and in this case it's plastic. This new food chain is proven by scientists in Ghent University. They did a study in which they found that people who ate shellfish or oysters were eating up to 11,000 pieces of plastic and that's just not healthy. Plastic is toxic. It is filled with poisonous chemicals that can harm you even if you touch it. Imagine what would happen if you ate it. Not only that, but plastic is also one of the main reasons for global warming, which is another huge threat to the world. Plastic releases greenhouse gases which are gases that trap heat in the atmosphere. Not only does it kill us by flooding everything, but it also kills coral, home to many fish, algae and a lot more. The algae that supplies the coral with food, leaves the coral when the ocean temperature changes sharply and without food for the coral, of course, it dies. This world is crumbling and one of the largest contributors is plastic. With all due respect, Councilmembers, it's the generations of people after us that suffer the consequences of plastic. I will admit plastic is very convenient. However, it's not fair to those people who will be left to suffer the consequences of something we did to ruin the world. Banning single-use plastics here is one step closer to saving the world from plastic. Thank you for your time.

CHAIR SINENCI: Mahalo, Mr. Bautista. Any questions for the testifier? Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Mr. Chairman. Good afternoon, Sebastian. Thank you for your testimony. And let me just start up by saying, thank you for saying it's a pleasure to be here, you know. We don't get that said to us very often, so I really like that. But just a clarification, did you say in the next five years there's going to be more, they estimate there's going to be more plastic than fish?

MASTER BAUTISTA: Five years. Yes.

COUNCILMEMBER MOLINA: Okay. And where did you get that research from?

MASTER BAUTISTA: I got it, I'm sorry, I can't remember the website right off my head, but...

COUNCILMEMBER MOLINA: Okay. Thank you for the information.

MASTER BAUTISTA: Thank you.

COUNCILMEMBER MOLINA: That's really eye opening. Thank you.

CHAIR SINENCI: Mahalo for being here. Ms. Apo Takayama?

MS. APO TAKAYAMA: Chair, the next testifier and our last student is Ana Viernes.

MS. VIERNES: Aloha awakea, Councilmembers. Thank you for giving me this opportunity to voice my concerns and opinions. I'm Ana Viernes and I'm enrolled in Iao Intermediate School as a seventh grader. I'm here to persuade you into passing the bill to restrict the use and sale of single-use plastics. How many states in America do you think have bills against plastic? According to Politico, only eight states have bills against, that ban plastic bags. And nearly twice as many states have lost protecting them. In a blog

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written by Kelsey Love in Maui Information Guide, Kelsey informs that Maui County was the first in Hawaii to ban plastic bags. We are here today because as seventh graders in our English classes, we did projects about various social issues. From those projects, we started a sustainability club to advocate for more sustainable school life. There are a 1,000-plus students are our school that use at least one fork per day for five days a week for an entire school day...school year. We use at least 5,000 to 7,000 forks in a week. That's roughly 181,000 forks a year and that's just at Iao School. The Iao School administration, along with Ms. Summers, has put in a grant for a dishwasher. Our sustainability club is finding ways to provide as many reusable bamboo sporks as possible for staff and students. Some local businesses are taking steps and using paper straws and compostable utensils. However, there are no official County-sponsored compost sites on Maui. As Sebastian said, in just five years, there will be more plastic than fish in the ocean. In five years, we are graduating high school. We are beginning the rest of our lives and we have to deal with the fact that there is more plastic than fish in the ocean and we live on a tiny island where people eat fish every day. CalRecycle, an agency tasked with managing and enforcing California's laws regarding waste reports highlights from a survey they conducted with stores and grocers. They reported that six months after the plastic bag ban in 86 percent of purchases, customers brought in their own bag. Because of that there was an 85 percent decrease in plastic bags. Today we are all here because plastic has become a human issue that is affecting all of the earth and its creatures. I realize that a ban on all single-use plastic may be very unrealistic at this time, but all the little steps we take add up creating possible solutions toward this problem. I would like to think I could live in a world where my children won't ever know what single plastic is, single-use plastic is. Plastic is destroying our one and only home. Plastic versus earth. Plastic is winning. So, let's fight back. Thank you.

CHAIR SINENCI: Thank you, Ms. Viernes. Ms. King, you had a question?

COUNCILMEMBER KING: Thank you so much for your testimony. It kind of brings it home when you talk about in five years we're gonna have more plastic than fish and that's when you folks will be graduating from high school. So, hopefully we can start to take some steps. But I wanted to ask you about your, you said that is your, is it your teachers taking up a proposal to get a dishwasher for your school?

MS. VIERNES: Yes, Ms. Summers is part of the school administration and they put in a grant for a dishwasher.

COUNCILMEMBER KING: Okay. Because I thought years ago, they did used to use metal, so was that just all hand washed back then?

MS. VIERNES: I have no idea.

COUNCILMEMBER KING: I was just wondering maybe your teacher can tell us, because you know, I was on the Board of Education back in the '90s and I remember all the schools used to use metal forks and spoons.

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MS. VIERNES: In the kitchen they hand wash all the things they use to cook. They tried using compostable or recycle I believe and I don't know what happened to them. Plastic came back.

COUNCILMEMBER KING: They must have hand washed all those utensils.

MS. SUMMERS: I'm not sure but they, I know...

CHAIR SINENCI: Can you speak, come and speak in the mic.

MS. SUMMERS: The cafeteria manager at Iao School said before they did have dishwasher, not at Iao School, because that armory that we have is kind of new, you know, but the schools, when I was a kid, you know, we had dishwasher and it wasn't as efficient as now, but dishwashers now are really good. Just like washing machines, you know the water...

COUNCILMEMBER KING: How much are you trying to raise?

MS. SUMMERS: Yeah, the water use is...I think we need, like, another like I'd say like 10,000 to 15,000.

COUNCILMEMBER KING: It's a real heavy duty industrial....

MS. SUMMERS: Yeah, we want to get the right one.

COUNCILMEMBER KING: Okay.

MS. SUMMERS: And but, you know, just it's very doable and we did check out some case studies from mainland schools. And the mainland school said, you know, because they are not purchasing plastic anymore and they were even using plastic trays that they were disposing of, because they weren't purchasing that, they were using that money to buy the dishwasher and then once they installed the dishwasher and then they just had to purchase the soap and I think they have to do some maintenance. But they said they're saving in the case study, \$3,000 every year thereafter. They just have to replace some utensils, you know, when kids throw away or doing fork art. Crazy middle school, but anyway, but they had some really good suggestions on how to, you know, buy the sturdy forks so they can't bend anything. But really they said it's a no-brainer, it's gonna save money in fact. So we're like, no-brainer you know?

COUNCILMEMBER KING: Well, good luck with that. If I was still on the Board, I would vote for that.

MS. SUMMERS: Oh yeah, yeah.

COUNCILMEMBER KING: Thank you.

MS. SUMMERS: Thank you.

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CHAIR SINENCI: Thank you. We have one more question from Member Sugimura.

COUNCILMEMBER SUGIMURA: So, I just wanted to express my appreciation to all of you for being here. I graduated from Iao School. Wailuku El, Iao School, Baldwin High School, so I went through the whole network. But in my days, if I could talk about being long time ago, we had to work in the kitchen and we had to do dishes and we never had disposable anything. So, we had to wash, and it was, you know, trays with food on it and forks and whatever. And Mrs. Nakamura was our Cafeteria Manager, she made the best cookies I remember. She was a really good cook. But life was different then and it's kind of interesting to see how we evolve back to some practices that maybe work better towards the future. My concern about having a dishwasher because even my dishwasher at home I try not to use because it uses so much water. So, will this dishwasher that you're trying to purchase be water conservation, or what kind of quality is it?

CHAIR SINENCI: Ms. Summers?

MS. SUMMERS: All I know is the Cafeteria Manager at our school, he said it's the way that they're making the dishwashers now, and, you know, he said kind of like the washing machines. I don't know my new washing machine, it doesn't have to use, I don't know how it does it, but it doesn't use much water. I'm like wow, you know. So, it's very efficient now with the water. So, I don't know, in the case study that we read too, they said the same thing so it was kind of like, you know, it takes more effort to do the, you know, stick it in there. You have to do that kind of thing. We just have to change the procedure the Cafeteria Manager said, but he's like, no it's doable. Doable, yeah.

COUNCILMEMBER SUGIMURA: Thank you. Thank you.

MS. SUMMERS: Thank you.

CHAIR SINENCI: Mahalo. Ms. Apo Takayama, was that...

MS. APO TAKAYAMA: Chair, those were all the students we had signed up, but we have more testifiers signed up as well.

CHAIR SINENCI: Okay, we just wanted to thank Iao Middle School for coming and their teachers: Ms. Anne Summers, Ms. Stacey Nicholson and Ms. Alana Hurdle. Mahalo for all your research and your hard work. I hope you get an A on your project. Thanks for being here.

COUNCILMEMBER KING: Can you come back when it makes it to the Council?

MS. SUMMERS: We apologize we have to leave but the kids, we really wanted them to stay and watch other people testify, but we have to take them back because the bell and...yeah.

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CHAIR SINENCI: We understand.

MS. SUMMERS: Yeah. We have to get back.

CHAIR SINENCI: Mahalo.

MS. SUMMERS: Thank you. Mahalo.

CHAIR SINENCI: Members, can I take a quick two-minute recess? Call of the Chair. Thank you. . . .(gavel). . .

RECESS: 1:55 p.m.

RECONVENE: 2:02 p.m.

CHAIR SINENCI: . . .(gavel). . . Will the EACP meeting of February 18, 2020 please come back to order. It's 2:02 and we're gonna be continuing with testimony in the Chambers. We've already went into our District Offices and there are no testifiers in our District Offices. Ms. Apo Takayama, can you please call the next testifier?

MS. APO TAKAYAMA: Thank you, Chair. The next testifier is Bruce Chadwick to be followed by Cheryl King.

MR. CHADWICK: Aloha, Councilmembers. It's a pleasure to be here to speak to you today. My name is Bruce Chadwick and I'm a founding member of an organization called Love the Sea. And Love the Sea is all about the education and the efforts to clean up the plastic pollution out of the world's oceans. We have what's called a LEAF principal, which is legislate, educate, activate and fund. A really good example I believe are were the school children that were just here. And of course we would ask that you pass a bill that you make it to where single-use plastic foodware is out. Here in Hawaii we have the pleasure of being such a close-knit community and we're able to be a leading example for the world. For example, we're the first place in the world that banned chemical sunscreen. Now, whether or not they can police it or not is another story, but I found that a lot of the local people, scuba instructors, surf instructors, so forth, they're telling the tourists and the word's getting out. And so, out of a small acorn can grow a mighty oak tree. So, the education we believe is the most important thing. So, every little bit counts. The other thing that I would say is that to believe that plastic is going to go away is a fairytale because it's not, but every little bit that we can do to help to minimize the use of it is gonna help. I was at a meeting, pardon me, I was at a meeting recently trying to raise some money for our non-profit organization, Love the Sea, and I was talking to a gentleman that worked on Wall Street for a large part of his career and I heard one of the most encouraging things that I've heard since I've gone down this endeavor. The CEO of Blackstone, who is a multi, I believe they have \$7 trillion in their hedge fund, gave a speech and told a lot of very powerful people that we can't have an economy anymore that's vertical or horizontal, that it has to be sustainable. So, I believe that we're gonna see in our lifetime a lot of big money people that are gonna come

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around. And I'm so proud of Hawaii and Maui County and the Kingdom of Hawaii for leading by example. Please pass this bill.

CHAIR SINENCI: Mahalo, Mr. Chadwick. Any clarification of the testimony today? We have...Ms. King?

COUNCILMEMBER KING: Just a quick question, thank you, Chair. I just wanted to know if your organization is nationwide? Is it a State non-profit?

MR. CHADWICK: It's actually worldwide. We have partners around the world and actually today, one of our partners has a business in New Zealand where they take what they call feedstock, plastic feedstock. They can't ship plastic to China anymore. They used to take it and they would pay them for it. Now, all of these nations in the Pacific Rim are shipping all their plastic to New Zealand. One of our partners has a business where he turns this plastic waste feedstock into road barriers and he's actually talking to the New Zealand government right now as we speak about other ways that they can recycle plastic.

COUNCILMEMBER KING: Okay. So, but you're here in Hawaii, on Maui?

MR. CHADWICK: Yes, I am.

COUNCILMEMBER KING: Okay. So, Maui has a chapter of Love the Sea?

MR. CHADWICK: Yes, we're based here actually.

COUNCILMEMBER KING: Okay. Oh, the organization started here?

MR. CHADWICK: The organization started here. Yes.

COUNCILMEMBER KING: Awesome. Okay. Thank you.

MR. CHADWICK: You're welcome.

CHAIR SINENCI: Mahalo, Mr. Chadwick, for being here.

MR. CHADWICK: Thank you. Thank you for having me.

CHAIR SINENCI: Thank you for your testimony. Ms. Apo Takayama?

MS. APO TAKAYAMA: Chair, the next testifier is Cheryl King to be followed by Hannah Bernard.

MS. KING: Aloha, everyone. My name is Cheryl King and today I'll be representing our Zero Waste Maui Coalition. I'm the only person that could make it today. But of course, we're all in support of this, for sure, and just kind of here to help clarify anything if

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anybody has any questions or anything that we can help with. So, the kids said it all, I cannot say anything else. So, thank you.

CHAIR SINENCI: Mahalo, Ms. King, for being here. Any questions? Seeing none, thank you for being here.

MS. KING: Thank you.

CHAIR SINENCI: Ms. Apo Takayama, our next testifier?

MS. APO TAKAYAMA: Thank you, Chair. The next testifier is Hannah Bernard, testifying on behalf of Hawaii Wildlife Fund to be followed by Kevin Watkin.

MS. BERNARD: Aloha, Committee Chair, Councilmembers, Committee Members. It is a pleasure. I get to be the third person to say that, I think Cheryl said it with her aloha. It's a pleasure to be here today to speak to you and thank you for bringing this forward. This is a very important ordinance following on the heels of 2011 plastic bag ban. Thank you, Mr. Molina, for your efforts to make that happen and the entire community of Maui and sparked a movement and the bring your own bag movement has now gone all over the world and it's a wonderful thing. This is another step in the right direction. Polystyrene was the next. And so, thank you for continuing to make Maui the progressive place that it is and to hold that standard high for the rest of our islands and for the nation to see. I do have one comment, or maybe it's a question to the Committee, and that is regarding the exemption. It's exemptions under 20.24.050. So, there's an exemption for the poke and sashimi plastic containers. And I would just, you know, we eat so much of that here, that I would just like to think if there is a way that we could maybe rethink that and we want to support and encourage businesses to move over to the new compostable food container model. And if it weren't such an important part of our diets, then it wouldn't probably be as meaningful and I understand with certain products, certain raw meats, we do want to be careful about contamination. On the other hand, I know that many of us are eating poke in compostable containers, as well, or at least disposable. So, thank you again for your good work on this measure and imua.

CHAIR SINENCI: Aloha, Ms. Bernard. We had a question from Member King.

COUNCILMEMBER KING: It was kind of more on the clarification that you asked for, Ms. Bernard, under exemptions and the exemption you were referring to, I think is the one, is A, so it says this chapter does not apply to any of the following: plastic, disposable food used for raw or butchered meats, poultry, seafood, unprepared produce or eggs, unless provided for consumption without further food preparation, which includes sashimi and poke. So, those appear to me to be exemptions from the exemption. So, those don't, I think that was written to say it does apply to those things. Because this is a list of exemptions and this is taking those things out. So, are you saying that you...

MS. BERNARD: Is that what that is? I wasn't clear that's why I wanted to check.

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COUNCILMEMBER KING: Yeah. It's sort of a double..

MS. BERNARD: A double negative? Yeah.

COUNCILMEMBER KING: It means that we do want to remove plastic from sashimi and poke.

MS. BERNARD: Yes. Please.

COUNCILMEMBER KING: Okay. All right. Thank you.

CHAIR SINENCI: Okay. Any more questions? Thank you for being here. Ms. Apo Takayama?

MS. APO TAKAYAMA: Thank you, Chair. The next testifier is Kevin Watkin testifying on behalf of Maui Sustainable Solutions to be followed by Gretchen Losano.

MR. WATKIN: Aloha, County Council, and thank you for the opportunity to be here today. And, I am gonna say I am really proud to be here because this is great and as many other people mentioned before we are the progressive leaders in this and I'm excited to be a part of that and to be surrounded by such wonderful people leading the way for the rest of the globe to follow. Plastic is a problem and Hawaii Wildlife Fund, Surfrider, and Love the Sea are three particular organizations that I work with and just on Saturday morning, we went out to Kahului Harbor and we did a beach cleanup and the number one generation that's there turning out and doing the work is actually the kids. They are the ones stepping up and leading the way on this and it's because they know that it's a dire situation and that we cannot let this keep going. Even once we stop using single-use plastics, it's like Mr. Chadwick had said, the plastic problem is not gonna go away. From the rubber in our tires, to the pieces of our automobiles, but it's up to us to innovate and design modern ways, coming together as community, as business, as non-profits, as anybody with a vested interest of humanity and the health and welfare of this beautiful blue planet that we live on to take care of it. I wanted to also mention that Love the Sea, that organization also does hard to reach beach cleanups. And I've been blessed to be a part of those where they've gone over to Lanai and they did the north shore where they go up cliff faces and these are massive operations where nobody has the gumption to get out there and do what these people are doing and to pull these ghost nets that kill our whales. They kill our fish. They kill the sharks. All of these pieces are vital to our ecosystem and with...and our reef, the foundation of ocean life. And not to get too deep into belief, but we come, all life comes from the ocean. If our oceans die, it's a cataclysmic cascading event that will destroy the rest of this planet and we'll be sitting here looking to go to Mars, clueless. Right. So, I do want to also add that, you know, if there's any opposition to this bill that I would like to invite them to reach out to the community and that we can work together. That convenience of single-use plastic doesn't have to be what puts you out of business. And let's be real, anybody that is really good at business shouldn't be put out of business by a little change like this. There's solutions out there and we can all work together to make that happen. I just want to say last, you know, the people of Maui are watching and I'm happy to say that they're going to be pleased with what happens today.

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CHAIR SINENCI: Mahalo, Mr. Watkin, for your testimony. Any questions for the testifier? I did want to thank you for being here and also for reaching out to those businesses that might see it as a problem for, you know, as a, just a hardship for them with continuing and changing their business style. It is, we are asking if the bill goes through that it doesn't go into effect until January 1st of 2021. So, in that time we're hoping that businesses who do use plastic foodware could utilize their inventory and possibly look at more sustainable options. So, thank you for reaching out.

MR. WATKIN: It's my pleasure. I'd like to add one thing if I could, is that compostable is a popular option for a disposable culture, but there is also reusable's and if you go back a generation or two, our folks, they didn't have plastic and they made it all work. They built the globe, this amazing society that we live in today with super computers in our pockets, right? So, we can do it and the best way we're gonna do it is together.

CHAIR SINENCI: Mr. Watkin, we have one more question from Member Molina.

COUNCILMEMBER MOLINA: Thank you, Chairman. Good afternoon, Mr. Watkin. Thank you for sharing with us what your organization does and I was one of the old people out there this past Saturday with the cleanup with the Surfrider Foundation and what I saw was just, you know, eye opening and I had my share of plastic forks and whatever else. You mentioned that there may be people opposing this, I presume from the businesses. What are their arguments against this? Are they saying that this is gonna put them out of business, or what are some of the reasons for opposition?

MR. WATKIN: I personally haven't heard any, but you know, I'm pretty pocketed in a progressive group of people that I surround myself with. I know from different research I've done on the Internet, that I specifically am trying to fight the plastic water bottle, which isn't actually acknowledged in this bill and a lot of people are going what are we gonna do with our revenue that we get from those plastic water bottles and the thing is you just replace it with something better.

COUNCILMEMBER MOLINA: Okay and I guess people are just sometimes fearful of change initially. Like with the plastic bags years ago when we passed that legislation, so.

MR. WATKIN: Yeah, you know, change is always scary, but I'm sure many of us know from experience that, you know, when times get tough, that's when the best things in life come out.

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

CHAIR SINENCI: Mahalo. Thank you for your testimony today.

MR. WATKIN: Mahalo, County Council.

CHAIR SINENCI: We're gonna have some testimony passed out to you now. Ms. Apo Takayama, can you call the next testifier?

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MS. APO TAKAYAMA: Thank you, Chair. The next testifier is Gretchen Losano, followed by the last person signed up to testify in the Chamber, Susan Elias.

MS. LOSANO: Aloha, Council. So, I brought all the rubbish that you see. Sorry. So, I was asked to describe what this is again and actually in the last meeting I think I forgot to specify. So, this is what I collected. The single-use plastic, both the forks and the ramekins that I collected from Lahaina Intermediate during the school lunch service for 30 days and there is also breakfast service that they do there at that school as well, but I, they kind of do a different system, so it's not all in one central location, so I wasn't able to collect any of that. So, this is just part of the single-use plastic rubbish that goes through Lahaina Intermediate during one school day. So, just wanted to clarify. And if you have any questions, I have collected more since then, but I wasn't able to grab it this morning on my way here. So, there's more.

CHAIR SINENCI: Thank you, Ms. Losano, for being here. It definitely, you know, gives an idea of how much plastic is being used each day. I did have a question, how many students again at Lahaina Intermediate?

MS. LOSANO: Just over 700.

CHAIR SINENCI: Seven hundred students.

MS. LOSANO: Yeah.

CHAIR SINENCI: Okay. And this is just for lunch, to clarify?

MS. LOSANO: This is just for lunch.

CHAIR SINENCI: Okay. Thank you. Any questions for Ms. Losano? Seeing none, again, thank you for being here.

MS. LOSANO: Okay. Thank you. Mahalo.

CHAIR SINENCI: Ms. Apo Takayama?

MS. APO TAKAYAMA: Chair, the last person signed to testify in the Chamber is Susan Elias.

MS. ELIAS: Aloha, everyone. Thank you all for being here. I'm so glad that we can talk about this important issue that will affect us in our daily lives and also the future generation. I just wanted to talk about my background a little bit. Growing up I was in Girl Scouts USA from the age 6 to 18 and after that I spent about five years as a Girl Scout leader. The environmental issues are very important to me and my family and friends, relatives. I just wanted to say it was very inspiring seeing the youth stand up and give their testimonies. I also wanted to share the Girl Scout law which is basically goes over a few different things, but one of the parts is to use resources wisely and make the world a better place and I think that with going forward and banning single-use food items is a

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great start and that will be a great way to use resources wisely. I understand that we can't ban all plastic, but things that are thrown away, you use it for maybe a minute or two and then it goes into a landfill for thousands of years. Thank you. This is my first time testifying. I am really looking forward to seeing how today goes and thank you all. Mahalo and hopefully we can think about the future generations today. So, thank you.

CHAIR SINENCI: Mahalo, Ms. Elias. Any questions for Ms. Elias, Members? Member King?

COUNCILMEMBER KING: Thank you for being here, Ms. Elias. We thought you said Susan Halas when you first...

MS. ELIAS: It's...

COUNCILMEMBER KING: We were just joking, she's one of the supporters. But no, so are you connected with, we got testimonial from the Girl Scouts, are you part of this petition?

MS. ELIAS: I'm actually not part of that. I did it many years ago and then once my Girl Scout troop aged out, I decided to pursue other endeavors and things like that.

COUNCILMEMBER KING: Okay. I was just...

MS. ELIAS: So, I'm not in association with them.

COUNCILMEMBER KING: Okay.

MS. ELIAS: I just in growing up, it was a big part of life.

COUNCILMEMBER KING: Okay. Well, you know, I think the resource, you know, using resources wisely is important and I too was a Girl Scout leader for a few years. But I never was a Girl Scout growing up. I did it because of my daughter.

MS. ELIAS: Oh, nice, that's wonderful.

COUNCILMEMBER KING: Thank you for being here.

MS. ELIAS: Thank you very much.

CHAIR SINENCI: I think Member King is referring to Troop 440 of Kihei Charter School. They were here on our February 4th meeting.

COUNCILMEMBER KING: Yeah. They're doing this petition. That wasn't my troop. My troop was a long time ago. I don't want to say how long, but my daughter is 33 now. But they are working on this petition that they have promised to bring to us after cookie sales are over.

CHAIR SINENCI: Okay. Great. Thank you, Ms. Elias.

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MS. APO TAKAYAMA: Chair?

CHAIR SINENCI: Ms. Apo Takayama?

MS. APO TAKAYAMA: Thank you, Chair. If we could ask you to state your name for the record? Thank you.

MS. ELIAS: Yes. So, it's Susan Elias. It's a little bit of a harder "e".

CHAIR SINENCI: Thank you for your testimony. You did great.

MS. ELIAS: Thank you all so much. Mahalo.

CHAIR SINENCI: Ms. Apo Takayama? Is there any more testifiers in the Chambers?

MS. APO TAKAYAMA: Chair, it looks like we have one more testifier.

MR. LAW: Hey, Shane.

CHAIR SINENCI: Mr. Lawrence [sic]?

MR. LAW: Good to see you man. Where you getting all them shirts? My name is Jasee Law from Kula. We have a McDonald's Upcountry, but most of our restaurants use real silverware and dishwashers. This single-use plastic ban is a step in the right direction, albeit a baby step. And speaking of steps, you better watch your step, Shane, because there's tiger everywhere today. Especially in Wailuku. I highly advise you to take care of the tiger's home because they defend it viciously. So, don't fly your plastic. Don't make the tigers extinct. I'd especially would like to thank the Upcountry representative, Yuki Lei Sugimura for being, and her staff, for being so cooperative with me, and trying to get reduced, reuse and recycle in our community. And I'm sure she'll let the people at the Holy Ghost know that they should stop using the single-use plastic utensils at the Holy Ghost Feast.

CHAIR SINENCI: Mr. Law, were you referring to tiger sharks, earlier you mentioned?

MR. LAW: I think it's season. Yeah.

CHAIR SINENCI: All right. Thank you for that reference. Any questions for Mr. Law? Seeing none, thank you for your testimony. Ms. Apo Takayama?

MS. APO TAKAYAMA: Chair, there is no further testimony in our District Offices or in the Council Chamber.

CHAIR SINENCI: Thank you, Chair [sic]. So, Members, seeing there are no more individuals wishing to testify, without objection, I'll close public testimony.

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COUNCILMEMBERS: No objections.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR SINENCI: Thank you. Okay. So, it's 2:25.

**EACP-16 RESTRICTING THE USE AND SALE OF SINGLE-USE PLASTIC DISPOSABLE
FOODWARE (CC 18-430)**

CHAIR SINENCI: So, again, Members, we have our one item on the agenda, EACP-16, Restricting the Use and Sale of Single-Use Plastic Disposable Foodware. I'd like to begin with a quick recap on this item before we begin. As noted in last meeting on May 14th of last year, our Committee took this item up and received information from the Huliau Foundation and the Manager of Maui Chemical and Paper Company. On December 4th of last year, the Honolulu City Council passed Bill 40, which restricts the use of single-use plastic goods and plastic bags. And on December 15th of 2019, their Mayor signed the bill into law. By Ordinance 4457, the Maui County Council prohibited polystyrene foam food service containers in 2017. During our last EACP meeting of February 4, 2020, our Committee took this item up, discussing amending this section of our Maui County Code to extend the ban to plastics as a whole. At that February 4, 2020 EACP meeting, we also heard from many testifiers and resource people from outside organizations and within the Department of Environmental Management's Environmental Protection Sustainability Division, who called for the progression of this proposed change. So, Members, were there any other questions or, about the bill? We have the latest bill on Granicus? Ms. Apo Takayama?

COUNCILMEMBER PALTIN: I had a question.

CHAIR SINENCI: Ms. Tamara Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I was wondering the bill that I read on the Granicus didn't have a signature from Corp. Counsel, is there, are they signing it, or?

CHAIR SINENCI: Ms. Thomson, did you want to respond?

MS. THOMSON: Thank you. I missed that first part of your question, but I think you're asking whether the bill that's being considered today is one that I reviewed and ultimately signed off on? I don't see the version that I signed off on in Granicus, but the changes between the February 11th bill that is in Granicus and the one that I signed off on February 12th, there are fairly minor changes. I'd say they're non-substantive.

COUNCILMEMBER SUGIMURA: Can we have that? Copies?

COUNCILMEMBER PALTIN: Thank you.

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COUNCILMEMBER SUGIMURA: Sorry.

CHAIR SINENCI: Did you need a copy of the revised bill?

COUNCILMEMBER PALTIN: I can trust Ms. Thomson that they are non-substantive changes. I was wondering if it would be possible if we can kind of go through the bill just like how Ms. Bernard was a little bit confused with the double negatives. I had a few questions and I just wanted that we understood exactly what it was covered that was banned, like, I mean, we can read it, but sometimes just talking it through might make it more so that we're all on the same page.

CHAIR SINENCI: Ms. Thomson?

MS. THOMSON: Thank you. It would be, if it's okay with the Chair, it would be my preference to go over the final version of the bill that I signed off on.

COUNCILMEMBER SUGIMURA: Right. Me too.

COUNCILMEMBER PALTIN: Yeah. That's cool as well.

COUNCILMEMBER KING: Chair?

CHAIR SINENCI: Member King?

COUNCILMEMBER KING: Thank you. I agree. I asked for a hard copy of the latest version, but the one I got from OCS is dated February 11th. So, I think you said yours is dated February 12th so it was after this version. Could we take a quick recess maybe and get a hard copy of the final version that Ms. Thomson signed off on?

CHAIR SINENCI: Sure. We'll take a quick recess, call of the Chair.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR SINENCI: . . .*(gavel)*. . .

RECESS: 2:29 p.m.

RECONVENE: 2:47 p.m.

CHAIR SINENCI: . . .*(gavel)*. . . The EACP meeting of Tuesday, February 18, 2020 please come back to order. Members, we just had a discussion because of which bills were put onto Granicus and we wanted to refer to Ms. Thomson for an explanation for you. Ms. Thomson?

MS. THOMSON: Thank you, Chair. So just, this gets into kind of the back and forth between our office and Council Services. So, I received a hard copy bill and I'm requesting to sign off on February 11th and on February 12th I turned that around. I didn't have the

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opportunity to look at a redline version so I compared the hard copy that was sent down with my most recent copy and did the best I could. I made a couple of other what I consider to be fairly small changes, and I can kind of point them out the best I can here. But that's basically what happened. It was that there was I think some errors in communication between the two offices that we're gonna fix going forward.

CHAIR SINENCI: So, Members, because we did not accept the bill that was returned to us, it's not on Granicus and so before we hand it out we would need to go through those changes which we did not receive.

COUNCILMEMBER KING: Okay, but we...Chair?

CHAIR SINENCI: Member King, question?

COUNCILMEMBER KING: Before you hand it out, because I thought we were gonna go through the handout, the new handout and go through the changes with that. Or you want us to use the old one and then tell us where it was changed?

CHAIR SINENCI: So, OCS had made some changes from the previous meeting.

COUNCILMEMBER KING: Right.

CHAIR SINENCI: And we sent it down, but we did not receive...we received a different code. So, the staff didn't accept that one and so we had the original that we sent down to Corporation Counsel. We were hoping that if it was okay that we would get that signature later.

COUNCILMEMBER KING: So, we would be looking at the version that's dated February 11th that's the one you sent to the Corp. Counsel?

CHAIR SINENCI: That one has, we had some changes to that one.

COUNCILMEMBER KING: You had changes after this one?

CHAIR SINENCI: Ms. Apo Takayama, clarification?

MS. APO TAKAYAMA: Chair, no, this was the most updated version that we sent to Corp. Counsel.

CHAIR SINENCI: On February 11th, dated February 11th? Yes it is.

COUNCILMEMBER KING: Okay. So, can we go over this version, because I'm assuming this is after we had that discussion and you put all those changes from the discussion in it? And then maybe Corp. Counsel can let us know what changes Ms. Thomson made after we go through this version? If they are just minor changes? Is that what you were proposing, Ms. Thomson?

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CHAIR SINENCI: We could go over it, but it wasn't accepted from OCS. We would have to take a recess to...

MS. APO TAKAYAMA: Chair?

CHAIR SINENCI: Ms. Apo Takayama?

MS. APO TAKAYAMA: I think what Member King is asking is that we go through the February 11th correspondence to Corp. Counsel and then have Corp. Counsel explain the changes between the draft they were sending back to us and the draft that we would be discussing, and then we can incorporate those changes into our version.

COUNCILMEMBER SUGIMURA: So, Chair.

CHAIR SINENCI: Okay.

COUNCILMEMBER KING: Is it amended today? Because the February 11th version is on Granicus as opposed to...

CHAIR SINENCI: Ms. Sugimura, you had a question?

COUNCILMEMBER SUGIMURA: So, for transparency's sake and because we have many people in the audience, that I think it would make sense for us to work from the most current version if that's where we're trying to get to, instead of us using an old one and trying to make amendments on the floor. I think we owe the public the most current document that we should be working from and not trying to jerry rig it on the floor.

CHAIR SINENCI: We would have to review her changes first before we can accept it on the floor, because it wasn't accepted, the changes that she sent out, without a Word document.

MS. APO TAKAYAMA: Chair?

CHAIR SINENCI: Ms. Apo Takayama?

MS. APO TAKAYAMA: Thank you. The public does not have access to the correspondence from Corp. Counsel yet.

COUNCILMEMBER SUGIMURA: Right. That's what I'm saying. I think that they, if it was accepted the correct way, then it would be on Granicus and the public who are sitting here would then have access to what document, yeah, we're talking about and not, you know, trying to go back. And I think we're missing an important step, you know, which is what the Chair is trying to explain to us and I totally respect what you're trying to do, so.

COUNCILMEMBER KING: I thought we were talking about the same thing? So, we're talking about the one that's on Granicus which dated...

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COUNCILMEMBER SUGIMURA: September 12th? I'm sorry, February 12th versus what is in Granicus, right? You're saying what Corp. Counsel?

CHAIR SINENCI: This one's dated the 11th.

COUNCILMEMBER SUGIMURA: Which is in Granicus.

CHAIR SINENCI: Correct. But it doesn't have the changes that Ms. Thomson did. So, she's going to...

COUNCILMEMBER SUGIMURA: Exactly.

CHAIR SINENCI: Okay.

COUNCILMEMBER KING: So, she's gonna make copies?

CHAIR SINENCI: She's gonna make the changes from this copy.

COUNCILMEMBER KING: Right. So, we're gonna over this copy...

CHAIR SINENCI: The one that she sent up with her changes was not accepted because it had a different codex at the bottom.

COUNCILMEMBER KING: Okay. So, just tell us which copy, I mean, I thought we were working off the February 11th one that's on Granicus and then as we go through it, she'll tell us where she wants to make changes. Is that what we're...

CHAIR SINENCI: Correct.

COUNCILMEMBER KING: Okay.

CHAIR SINENCI: Ms. Thomson?

MS. THOMSON: Thank you. I came up prepared to talk about the February 12th version so I'm gonna need a few minutes to literally look at them side by side. It's really just a few small changes, but in terms of our office we sign off as to form and legality, meaning that, you know, we also check things like the numbering sequence and proper formatting, you know, just all of those kind of nitpicky legislative drafting things. I know that OCS does the same thing, but since my name's on it, you know, I want to make sure that I take a look at that. It won't take long, the changes were pretty small, but if we could have maybe five minutes and if Staff would print out a copy of the February 11th, I'll do it pretty quickly.

CHAIR SINENCI: Okay. Thank you. Members we are at our mid-meeting mark about there. So, we'll take...well, we'll give everybody a ten-minute break and we'll be back at 3:04. EACP meeting is now at recess. . . .(gavel). . .

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RECESS: 2:54 p.m.

RECONVENE: 3:30 p.m.

CHAIR SINENCI: . . .*(gavel)*. . . Will the EACP of Tuesday, February 18th please come back to order. It's 3:29 in the afternoon, 3:30. Welcome back, everybody. And so, we've received some of the changes from Corporation Counsel. And so, I was thinking I'll just go ahead and make the motion, the main motion, and then if the Members want to move to amend Corporation Counsel's changes, then we can go from there.

COUNCILMEMBER KING: Okay, Chair? So, you're looking for a motion to approve the bill as it is on Granicus, the February 11th transmission?

CHAIR SINENCI: Correct.

COUNCILMEMBER KING: Okay. So moved.

CHAIR SINENCI: And then...yeah.

COUNCILMEMBER PALTIN: Second.

CHAIR SINENCI: Okay. It's been moved by Member King, seconded by Member Paltin. All in favor?

COUNCILMEMBER KING: Are we ready to go through discussion?

MS. APO TAKAYAMA: Chair? Chair?

CHAIR SINENCI: Discussion. Sorry. Okay. So, we're going to...we're gonna...sorry, we're going into discussion. Somebody's texting me.

VICE-CHAIR KAMA: Chair?

CHAIR SINENCI: Miss...oh, Vice-Chair Kama?

VICE-CHAIR KAMA: So, Chair, what is your process to review the resolution?

CHAIR SINENCI: So, everyone has a copy of the February 11th bill that was on Granicus and so Ms. Thomson wrote, she had made some changes, some non-substantive. So, she's, we'll probably just address those substantive ones and then those that we've either added verbiage or taken out verbiage and so, and then we can decide as a Committee, if we're gonna make those, accept those changes or not. So, another question, Ms. Paltin?

COUNCILMEMBER PALTIN: Yeah. I think you mentioned, but I didn't write it down, on 20.26.090, what, was it January 1, 2021, the effective date?

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CHAIR SINENCI: For Bill 40?

COUNCILMEMBER PALTIN: For this...

CHAIR SINENCI: Oh, for this one sorry.

COUNCILMEMBER SUGIMURA: What was the number? 20.26...

VICE-CHAIR KAMA: The last page.

COUNCILMEMBER PALTIN: It just says effective date on number...Page 3 and I was just wondering was that the date that you said January 1, 2021?

CHAIR SINENCI: It's on Page 7 at the end, it's July 1, 2021.

COUNCILMEMBER PALTIN: Oh okay. Thank you.

CHAIR SINENCI: Any other questions, Members?

COUNCILMEMBER KING: Chair?

CHAIR SINENCI: Yes, Ms. King?

COUNCILMEMBER KING: Not a question, but just in the discussion just for edification of the public that this, so what we're talking about foodware is not, does not include beverages, so, you know, I just want folks to know, because I've been asked, you know, if this includes the water bottles, which I would love to do, but I don't think we're ready for that in this County. So, this is just foodware and the definition of foodware means food service containers and utensils, but it's just, it's for food versus beverages. Is that correct?

CHAIR SINENCI: Ms. Thomson?

COUNCILMEMBER KING: Ms. Farnsworth or Ms. Thomson?

MS. THOMSON: So, where the exemption for items such as plastic water bottles and other beverage containers, that comes in when you look at the definition of prepackaged foods and down about the middle of the way down it says food and beverages contained in plastic disposable foodware that has been filled and sealed entirely outside the County or in a manner intended to prevent the food or beverage from having any direct human contact such as shelf-stable food and beverages, et cetera, et cetera, beverage-related bottles or cartons. So, that would be, you know, water bottles, milk cartons that have a plastic interior, coating basically. So, really, as I understand this definition and what we're really getting at is trying to prevent containers that are used by fast food establishments or takeout from being windblown and ending up in the ocean. Secondarily we're trying to reduce landfilling of those kinds of waste, plastic waste.

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COUNCILMEMBER KING: Okay. So, under the 20.26.050, which is exemptions, which letter of that were you just quoting?

MS. THOMSON: It's down at, it's 20.26.050(F), like Frank, prepackaged food. So, that's why you go back to that definition of prepackaged foods, so prepackaged foods...

COUNCILMEMBER KING: Okay. So, I was getting confused. So, you're referring to (F), but then going back to the definition of prepackaged. Okay. All right. Got it. I just wanted to make sure that was clear, because I know some of this is a little bit hard for the public to understand. So, thanks for that clarification.

CHAIR SINENCI: Member Sugimura, you have a question?

COUNCILMEMBER SUGIMURA: I think your intent originally you were gonna go through the whole ordinance which I appreciate that then everybody else can hear as we go through this.

CHAIR SINENCI: Well, this version is posted on Granicus.

COUNCILMEMBER SUGIMURA: Right.

CHAIR SINENCI: So, our, the Members and the public can see this.

COUNCILMEMBER SUGIMURA: Right. But we're going through the changes now right? So, if we can go through it systematic.

CHAIR SINENCI: The changes that Ms. Thomson had done.

COUNCILMEMBER SUGIMURA: Yeah. Thank you.

CHAIR SINENCI: And then just for reference, what Ms. Hannah Bernard, so hers...and if Ms. Thomson you can just say the page number and the paragraph number so we can look at where those changes you wanted to make.

UNIDENTIFIED SPEAKER: Chair?

CHAIR SINENCI: Ms. Bernard had the exemptions under (A) about sashimi and poke, so it looks like plastic disposable foodware used for raw or butchered meats, poultry, seafood, unprepared produce or eggs, unless...those are the exemptions, unless provided for consumption without further food preparation. So, say for instance, if you sold just a slab of ahi, that would be fine. But if you went in and cut it up into sashimi or poke, then that wouldn't be fine. Yeah. Okay. So, you just gotta cut your own, Eric. Okay. Ms. Thomson, you want to begin?

MS. THOMSON: Thank you, Chair. And what I'm going to focus on is just the additions or the deletions and not the Ramseyer'ing and other, you know, that I would consider more

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formatting, non-substantive. So, Section 20.26.010, Purpose, the very last line, I, we recommend removing "for plant-based materials" and the reason for that is that the EP&S Division, Tamara Farnsworth, pointed out that many plant-based materials are combined with plastics. And this is really, what that is getting at is that the County is encouraging the use of environmentally-preferred alternatives such as foodware made from compostable materials. So, we would be removing the plant based.

CHAIR SINENCI: And are you adding in its stead?

MS. THOMSON: No, just removing.

CHAIR SINENCI: Okay.

VICE-CHAIR KAMA: So, Chair? So, the sentence ends with compostable, period? Is that what we're doing?

MS. THOMSON: Compostable materials.

VICE-CHAIR KAMA: Okay.

MS. THOMSON: So, just the plant based.

MS. APO TAKAYAMA: Chair?

CHAIR SINENCI: Ms. Apo Takayama?

MS. APO TAKAYAMA: And I think if we could get an amendment, a motion for an amendment on that change?

COUNCILMEMBER KING: Can we go through all the changes and make one motion at the end of it?

CHAIR SINENCI: Whatever is the...of the body, did you want to go through each one? She has about four or five of them.

MS. THOMSON: They're pretty minor.

CHAIR SINENCI: Okay. We'll just put them all together. Okay. Next one.

MS. THOMSON: Thanks. So, the next change is under the definition of prepackaged food.

CHAIR SINENCI: Page?

MS. THOMSON: And it's on Page 4. And what I recommend is in the third line, removing the word "prepared" and then adding right after the next, it says, so that would read "prevent the food" and then adding "or beverage from having any direct human contact."

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CHAIR SINENCI: Or beverage?

MS. THOMSON: Right.

CHAIR SINENCI: Food or beverage. Any discussion? Consensus?

COUNCILMEMBER KING: Consensus.

CHAIR SINENCI: Okay. Moving on.

MS. THOMSON: This isn't a change, but it's a suggestion for discussion.

COUNCILMEMBER PALTIN: Chair, can I ask a question about the last one? Sorry.

CHAIR SINENCI: Okay. No, go ahead. Ms. Paltin?

COUNCILMEMBER PALTIN: If it's been filled and sealed entirely outside the County, does that, you know, give the County a disadvantage?

CHAIR SINENCI: Ms. Thomson?

MS. THOMSON: Thank you. So, there's, what this gets at is these types of prepackaged foods are exempt under another section. So, that exemption would apply to food and beverage in plastic containers that had been filled and sealed outside, entirely outside the County, or in a manner intended to prevent the food or beverage from having any direct human contact and then it gives some examples. So, really what we're getting at is food that is in plastic containers that's intended basically to be immediately consumed. So, it's both. So, in other words, let's say cookies or I know there's some chocolate companies here, and others that might use plastic disposable foodware, so long as it was filled and sealed prior to, you know, getting to the place where it's going to be sold to the consumer, those types would be exempt and the reason being is that we didn't want to negatively affect businesses here that were packaging foods.

COUNCILMEMBER PALTIN: Thank you.

CHAIR SINENCI: Okay. Ms. Sugimura, you had a question?

COUNCILMEMBER SUGIMURA: Yeah, so, okay. Clarify this then. So, what about Spam musubi?

MS. THOMSON: So, that's a good one.

COUNCILMEMBER SUGIMURA: Spam musubi is made here, and it's probably packaged with single use, right, you know, Saran wrap? What about that?

CHAIR SINENCI: Ms. Thomson?

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MS. FARNSWORTH: I can try to answer that. So, from my understanding we're talking about food service containers, that's one of the definitions in this and it includes plates, trays, cups, bowls, cartons, and hinged or lidded containers, such as clam shells. Or in any foods placed or packaged intended to be, sorry, on or in which any foods or beverages are placed or packaged or intended to be placed or packaged. So, that doesn't include something like plastic film, which is like your Spam musubi is basically wrapped in plastic film, so that is not included in this ban or in this legislation.

CHAIR SINENCI: Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Yeah. Can I continue then? So, the things that you mentioned, so what about when you go to someplace like Minit Stop and you buy, or Pukalani Superette and they have all those prepackaged hot meals, or whatever right? So, you buy it in the container, you know what kind of container, like black on the bottom, clear on the top.

MS. FARNSWORTH: Kind of like a bento container.

COUNCILMEMBER SUGIMURA: Bento container, whatever. So, what about that?

CHAIR SINENCI: Ms. Thomson, do you have a response?

MS. THOMSON: That would be prohibited, because the intent is that it would be immediately consumed or could be immediately consumed. Just to add to what Tamara was saying about, you know, Spam musubi. So, if the musubi was packaged at that location and that location is immediately selling it to consumers, I would say that would be banned, but if it's being, you know, packaged more like in a warehouse kind of situation or packaged on Oahu and shipped in, then those would be allowed. So, you know, we're having to split hairs here, you know.

COUNCILMEMBER SUGIMURA: I was just gonna say...

MS. THOMSON: Right. But it's hard to, you know, when you go for an all-out ban of plastic container ban, or film, you end up banning so many products that, you know, there's potentially unintended consequences, you know. I mean, you have to just go down the aisles at Costco and take a look at everything that's packaged in plastic.

COUNCILMEMBER SUGIMURA: So, you're saying anything that's packaged outside of Maui, outside of Lanai, outside of Molokai and we sell it in our stores, it's okay?

MS. THOMSON: That would be okay. As well as, I don't know if we still have like a milk, a dairy that actually, you know, puts milks in cartons here anymore, but I'm trying to think of a product that is packaged here on Maui but not directly sold to consumers. So, it's, you know, packaged in a wholesale environment and then sent to like a convenient store or a supermarket.

COUNCILMEMBER KING: Chair?

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COUNCILMEMBER SUGIMURA: So, what about...

CHAIR SINENCI: Go ahead, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, what about Obachan's seeds? Packaged here, put in plastic, or what is that, you know those see-through cellophane or whatever they are wrappers, or plastic, what about that? Made here, sold here.

MS. THOMSON: So, if they're...well the definition that we're working with right now is if it's filled and sealed in a manner intended to prevent that food from having direct human contact, so if it's, you know, seeds, and yeah, cracked seed and, you know, in a container that you just fill it right there, you would need a different type of container from plastic. But if it's coming from, you know, a wholesaler, or wherever it comes from a wholesale company, it's already been sealed, then that would be okay to be used.

CHAIR SINENCI: Okay. Are you...do you have any...

MS. THOMSON: Yes. I think...

COUNCILMEMBER SUGIMURA: I'll continue on with food as we hear more.

MS. THOMSON: Yeah. What we're getting at though, and this is an excellent line of questioning is that this a pretty, a fairly broad ban and the administrative rules are going to need to, you know, take a look at these definitions and really flesh them out through administrative rules. And, you know, ultimately there may need to be some legislative changes made if during that process you come to a stopping point and you can't, you know, a hurdle of unintended consequences. I think the Department would request that the Council consider some changes.

CHAIR SINENCI: Okay. We had Member Paltin, Member King, and then Vice-Chair Kama.

COUNCILMEMBER PALTIN: I had a question. So, like, if you purchase a box of Ziploc's from like say, Longs, that's not illegal, but if the distributor made a bunch of Spam musubi and then put the musubi in a Ziploc and then sold it to you, is that illegal?

CHAIR SINENCI: Ms. Thomson?

MS. THOMSON: Thank you, Chair. I think if the intent was to direct sell it, then that would be illegal, prohibited.

COUNCILMEMBER PALTIN: But, and Saran wrap would not be illegal?

MS. THOMSON: It would be in some circumstances. So, if you have...this does, you know, I don't know how many like small food vendors are wrapping their own things and, you know, say musubi just for example. That they're actually making them there, wrapping it there, or selling it there. That would impact their business. If it was made, you know,

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in one big factory somewhere else, you know, then it comes in, you know, even if it were on island then, and it's sealed...

COUNCILMEMBER PALTIN: What about if they use wax paper?

MS. THOMSON: That's okay.

COUNCILMEMBER PALTIN: Okay.

MS. THOMSON: Wax paper is . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: Okay. Thanks.

CHAIR SINENCI: Okay. Member King? You has...

COUNCILMEMBER KING: Thank you, Chair. So, Ms. Thomson, the way I read this prepackaging is, you know, if you go down to the, of course it's not open these days, but if you go down to that vendor lunch area downstairs on the second floor, and you got a bento, that was something that was prepackaged, sealed and sold for resale, so that would be okay, even if it's made here or if it's made...it should be okay even if it's made by, if there was a kitchen there, and they made it there, and they prepackaged and they put it in their fridge. So, my understanding of the way I read this is that if you're making food for, food to order basically, like I come in and I order a plate lunch, you can't put it on plastic or put in plastic wrap. But if it's prepackaged, whether it's, you know, next door at a kitchen, or at a factory somewhere else on Maui, or outside of Maui, then it should be okay for them to, I mean, they shouldn't have to compete against the mainland companies that are prepackaging whatever or off island that's being prepackaged. To me, that's kind of what the Spam musubi is, because somebody makes a bunch of them and whether it's the people selling them at their store, but if it's made to order, if you come in, you order, like., you know, a plate lunch or, I don't know any places that actually where you, you know, you order your Spam musubi as part of a plate lunch, then those kinds of things can't be sold in plastic, things in plastic foodware. So, anyway am I wrong about that, or is that, I mean, to me that's no different than somebody prepackaging cookies at a bakery and then selling them to different stores.

CHAIR SINENCI: Ms. Thomson?

MS. THOMSON: Thank you, Chair, and thanks for the question. That's how I'm reading this current ordinance as well. Is that it's really geared at allowing those foods that are filled and sealed, you know, and that's probably key, filled and sealed prior to, you know, being basically at the point of giving it to the consumer.

COUNCILMEMBER KING: Right. So, being, I mean to me it's sort of like a made to order kind of a thing too, because I think there's some of those, I mean, you used to be able to go into Shirokiya's and get bentos and they would make them there, but they were prepackaged and they were made so that you would just pick it up and go. So, okay. If

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there's that understanding, then that, I think that covers a lot of our local food vendors who are making prepared foods and selling them wholesale to other entities for resale. Okay. I think that clears it up for me.

CHAIR SINENCI: Okay. Thank you.

COUNCILMEMBER SUGIMURA: Chair?

CHAIR SINENCI: We had a question from Vice-Chair Kama.

VICE-CHAIR KAMA: So, Chair, it seems that we are kind of getting into the weeds of all what our Corp. Counsel wants to decide, kind of like, wanting to see if we can just let her do whatever she needs to tell us, and then we can get down into the weeds about what we're talking about, I mean, unless for every time we have a question, we're just gonna keep interrupting her?

CHAIR SINENCI: Oh okay. So, all right. So, that was her second change, and Ms. Thomson?

MS. THOMSON: Thank you. So, skipping down to the exemption section, 20.26.050. The way it currently reads is we're removing polystyrene foam. My suggestion is, remove all the way, "polystyrene foam food service containers," and then add in "plastic disposable foodware" and that was simply, I think something that didn't get caught earlier.

VICE-CHAIR KAMA: That's in there.

COUNCILMEMBER SUGIMURA: What alpha is it?

VICE-CHAIR KAMA: A, Page 5.

CHAIR SINENCI: The bottom of Page 5.

MS. THOMSON: All the way at the bottom. It's, perhaps that's more of an editing, it's more of an editing issue. So, because right now it says, you know, remove polystyrene foam, but then it says add in plastic disposable food service containers, but we're calling it foodware. Yeah.

COUNCILMEMBER KING: You want it to say food service containers?

MS. THOMSON: What we want it to say is remove polystyrene foam food service containers and then add in plastic disposable foodware. So, just so that it's consistent.

COUNCILMEMBER KING: That's what it says.

CHAIR SINENCI: You're removing plastic disposable.

MS. APO TAKAYAMA: Chair?

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CHAIR SINENCI: Ms. Apo Takayama?

MS. APO TAKAYAMA: If I could just clarify, I think you're looking at the new (C) at the bottom, right? And it currently says, plastic disposable food service containers.

CHAIR SINENCI: Correct.

MS. APO TAKAYAMA: So, she's suggesting plastic disposable foodware.

COUNCILMEMBER KING: Oh okay.

CHAIR SINENCI: Consensus?

COUNCILMEMBER KING: Consensus.

CHAIR SINENCI: Okay. Next.

COUNCILMEMBER KING: You want it in there twice? Because there's another, after the first part, it says, use or sale of plastic disposable foodware in situations unique to the type of food where there are no reasonable alternatives to plastic disposable, and you want foodware again?

MS. THOMSON: Right. So, let me read that whole section because it's kind of short. So, this is the suggested language, "Use or sale of plastic disposable foodware in situations unique to the type of food where there are no reasonable alternatives to plastic disposable foodware, provided, the food provider applies for an exemption and such exemption is granted by the Director." So, correct, two times.

COUNCILMEMBER KING: Okay.

CHAIR SINENCI: Okay. Next.

MS. THOMSON: And that's it. I do have a couple of, a note to bring up, and this was brought up by the Department on the effective date, that the Department is requesting six additional months to January 21, 2022 and that's just for discussion.

CHAIR SINENCI: Is that on the seventh page, 20.26.090?

MS. THOMSON: Yes, that's correct. Thanks.

CHAIR SINENCI: Department, did you want to weigh in?

MS. FARNSWORTH: Sorry I was reviewing this. Why am I, why did we recommend additional time? I think that this is, it's quite comprehensive and I think it will allow the businesses more time to adjust and get ready, as well as for our Department to help to educate them and help to get everybody ready to be compliant on the effective date.

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CHAIR SINENCI: Thank you. Any questions? Ms. King?

COUNCILMEMBER KING: Chair, I'd prefer to leave it July 1st and, you know, just going back to the fact that we've been educating our community for a long time, you know, starting with the plastic bag ban then the Styrofoam, but if it's going to be a separate issue of contention, then maybe we can take the first, all of the other changes, and I'll move to amend all the other changes and we can take up the date separately?

CHAIR SINENCI: Sure, if there are no objections?

COUNCILMEMBER KING: Is there a second to my motion to amend?

CHAIR SINENCI: Okay.

COUNCILMEMBER KING: This is all the other...yeah. So, my motion was to amend the bill to the changes that Ms. Thomson recommended, up until...through Page 6.

COUNCILMEMBER MOLINA: Second.

CHAIR SINENCI: Okay. So, it's been moved by Member King and seconded by Member Molina. Discussion? All in favor...oh, we had Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Yeah. So, basically you're voting on the amendments made by Ms. Thomson.

CHAIR SINENCI: Correct.

COUNCILMEMBER SUGIMURA: And the effective date you are saying you are gonna take up later.

CHAIR SINENCI: Separate.

COUNCILMEMBER SUGIMURA: And I guess I really would like to understand all that we're impacting, because I think if we are going to be impacting business, I mean, it's one thing, I think the stack of single-use plastics from the DOE makes a huge statement to me. That this is just lunch from one school and to actually add something that I grew up with, which is a dishwasher, you know, for the...it means that the school, in order to get things to put in the dishwasher, you have to buy all the plates, all the forks, all the spoons, and things that are not disposable. So, I think it's shortsighted of us to think that this is going to disappear if by July 1, we are gonna do this change of ordinance...

COUNCILMEMBER KING: Chair, point of order, I don't think we're deliberating on the effective date right now, we're just...

CHAIR SINENCI: We're not to that amendment...

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COUNCILMEMBER SUGIMURA: I'm not talking about the date. I'm talking about the law in terms of what we're trying to implement and...

COUNCILMEMBER KING: Okay. But we're only talking about the amendments right now, not the actual law.

COUNCILMEMBER SUGIMURA: I agree. I understand. But I just want to speak to the magnitude of what we're trying to do and I don't want us to think that this is a good thing so let's do it today. I mean, I think it's huge and it's something that we need to do. But let's look at the impact, right? I mean, it's one thing for us to think about, you know, my Spam musubi example, maybe. But there's a lot more impacts out there in the community and I'd rather us do it correctly, rather than think...and not understand the total magnitude of what we're talking about. We're gonna affect small businesses out there, you know. I agree that DOE is important. We're gonna have to talk to DOE and understand what impact that's gonna have with our schools. It's not only one school, but it's all the schools. And I just want to speak to that, in terms of this total bill, one of the testimony, I think we got from Meadow Gold Dairies was talking about a...

COUNCILMEMBER MOLINA: Chair, point of order, we're just focusing on the amendments, we're not there, there's no formal motion to pass the bill yet. I mean I don't what your intent is for us to take action yet, but I mean, there's plenty of time to do the debate, but if we can just focus on the amendments at this point?

CHAIR SINENCI: I guess we're taking some discussion before the vote.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

CHAIR SINENCI: Okay. Thank you for your comments.

COUNCILMEMBER SUGIMURA: But I want to bring to the Committee's attention that there is, the Legislature has a State work group on single-use plastic source reduction facilitated by Peter Adler, and this is a Meadow Gold testimony that says that November 14th was the meeting, first meeting I guess, for deeper discussion on this important issue of which, I believe that Tamara Farnsworth is part of the committee, I'm glad with your passion. But that the State is looking at the bigger picture and the impact, you know. So, for us, I mean, whatever happens at the Legislature, we have no control over. But there is a focus on this from the Legislature. I think City and County of Honolulu Bill 40 made a big impact, as well as things that Mr. Molina has done in the past. And that before we move forward on this, I think more discussion needs to happen with our business community and the impact that it has. We can walk in Costco and look and see what things are there that would impact this discussion. T.J.'s and look at all the fast food things, you know, that we rely on every day. It's not only and this example with the school and the plastic bags, that's huge to me. It's important and it's gonna be an evolution of us changing the culture of the students who maybe are now used to having the single plastic use and purchasing the dishwasher. Purchasing the, you

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know, dishes, or whatever it needs so that we can make the conversion. So, it's bigger than just only us.

CHAIR SINENCI: Okay. We're just, just to remind Members, we're just talking about the amendments. I know you're talking about the entire bill. So, we have a motion on the floor about the amendments, but then we'll get to the...

COUNCILMEMBER SUGIMURA: Okay.

CHAIR SINENCI: Vice-Chair Kama?

VICE-CHAIR KAMA: Thank you, Chair. So, can we have Ms. Thomson review all the amendments just to make sure that I got them all written down properly on my...

CHAIR SINENCI: Ms. Thomson?

MS. THOMSON: Certainly. Thank you. So, Section 20.26.010, removing from the last two lines, "or plant based," so the last sentence would end with "made from compostable materials." And the second changes are to the definition of prepackaged food on Page 4 in the middle there. And we would be removing the word at the end of the third line, "prepared" and then at the beginning of the fourth line adding in "food or beverage", so adding in "or beverage" right after food. So, those two lines would, I'll just read the beginning part of this definition, "As recommended, prepackaged food means food and beverages contained in plastic disposable foodware that has been filled and sealed entirely outside the County or in a manner intended to prevent the food or beverage from having any direct human contact." And then it goes on to give examples. Then we get down to the bottom of Page 5, that's Section 20.26.050 and it's the new section (C) and I'll just read that with the changes. It's really correcting some leftover text. So, the recommendation of the wording would be "use or sale of plastic disposable foodware in situations unique to a type of food where there are no reasonable alternatives to plastic disposable foodware, provided, the food provider applies for an exemption, and such exemption is granted by the Director." And then the remaining issues that between my version and OCS are literally non-substantive, it's, you know, moving some brackets around and things like that.

CHAIR SINENCI: Okay. Ms. Kama?

VICE-CHAIR KAMA: Thank you, Chair. And 20.26.090?

MS. THOMSON: I think you said, that is...

CHAIR SINENCI: That one's...we're gonna bring that one up in a separate amendment.

VICE-CHAIR KAMA: Okay. Okay. Thank you.

CHAIR SINENCI: Okay. Okay. So, we have a motion to amend the bill on the floor with those three changes that Ms. Thomson had said. So, all in favor, say "aye."

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CHAIR SINENCI: Is there a motion?

VICE-CHAIR KAMA: So, the amendment is to January 1, 2022? Is that the amendment?

CHAIR SINENCI: The amendment is to extend the date of July 1, 2021, six months, to January 1, 2022.

VICE-CHAIR KAMA: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR SINENCI: It's been moved by Vice-Chair Kama and seconded by Member Sugimura. Discussion?

VICE-CHAIR KAMA: I think if the Department is asking for a little more time to get their job done and to do it well and efficiently and effectively, I think we should give them more time. Thank you.

CHAIR SINENCI: Okay. Member Molina?

COUNCILMEMBER MOLINA: Yeah. Thank you very much, Mr. Chairman. I believe this may be in relation to testimony from the Chamber of Commerce as well. I guess they seem to be asking I guess more time to survey their businesses, but I would like to point out, I believe the initial proposal for this came out in December of 2018, which is roughly, what maybe a year and a half. So, there has been some time to digest this. Well, I don't know, maybe we could hear from the Department. So, is this related more as a request from the Department or so where is this being generated from more so, at least within a County perspective, is this the Department?

CHAIR SINENCI: Ms. Farnsworth?

MS. FARNSWORTH: I think it's the Departmental recommendation in implementing the polystyrene ban. We used every moment that we had. I do think that this will be, there are more products included in this ban that we're going to have to work with the businesses to help them get educated and help them get moved over. And I do think that an additional six months will allow us to really have every...help everybody get prepared, as well as, we're going to really have to dig down into the administrative rules as well for this. And that takes several months as well.

COUNCILMEMBER MOLINA: Okay. Thank you, Chair. Because I was honestly on the fence with this at first, but taking into consideration, because if I could hearken back to the plastic bag bill, that was some of the concerns, well the business community, as well as the Department at that time to enforce the laws that we create. Because sometimes it does take a little time and being that there are some variables that will now have to be considered. So, we want to make sure that what's enacted is a bill that covers everything so there are no loopholes and things that we may to have go back with. So, I can appreciate the request to I guess extend the actual enactment of the bill. So, I guess

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with the bag they had the Administration at that time had the BYOB campaign to I guess educate the public and I believe is that the intent of the Department as well as far as the educational, I guess aspect, I guess of the bill to inform businesses and the public? Get ready now, the bill's coming into effect. So, no excuses now, everybody should be ready. Am I correct with that assessment, Ms. Farnsworth?

CHAIR SINENCI: Ms. Farnsworth?

MS. FARNSWORTH: Yes.

COUNCILMEMBER MOLINA: Okay. All right. Thank you, Chair.

CHAIR SINENCI: Okay. Thank you, Mr. Molina. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. So, just because the date is 2022 doesn't stop folks from already implementing it that are ready because there's guys out there already doing it, right? I mean, if as soon as they're ready, they can do it. If they expend all their stuff, they can already switch over?

MS. FARNSWORTH: Absolutely.

COUNCILMEMBER PALTIN: And would that be part of the education, like, this is the date, but feel free to switch over right away?

MS. FARNSWORTH: Yes. Absolutely. And we work directly with the distributors really to help get them ready to help their customers and that was very effective with the polystyrene ban. But yeah, I think we always encourage folks to move away from, you know, towards better products.

COUNCILMEMBER PALTIN: And maybe we can like give a shout out to the early jumpers on board, like hey, these guys beat the deadline by a year or these guys beat the legislation even, so go visit them and support them or something like that?

MS. FARNSWORTH: Maybe something like that I think we can certainly...I think, if anything we could reference businesses that have successfully made the switch so that if folks need to get or would like to get in touch with them, you know, to understand better their process or what they're using. I don't know if we'd promote businesses per se, but we would certainly...

COUNCILMEMBER PALTIN: Maybe partner...like West Maui Kumuwai, they specifically tag ocean-friendly like landscaping products. Maybe like you could partner with them and they can point out the guys that were ahead of the curve or something like that?

MS. FARNSWORTH: Uh-huh.

COUNCILMEMBER PALTIN: Okay. I can support this.

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CHAIR SINENCI: Okay. Thank you. We did, you know, some of our sister counties have similar bills. Oahu had passed Bill 40. Ms. Apo Takayama, did they have a start date on their bill?

MS. APO TAKAYAMA: Chair, I believe their start date is January 1, 2021.

CHAIR SINENCI: Twenty-one? Okay. So, ours, if this passes, would take another year, and I also heard that Kauai will be hearing a similar bill. So, I think overall the counties have taken the lead on this, that we haven't seen a lot of action at the State level, so a lot of our county governments have taken the lead on this and have proposed similar bills. Ms. Thomson, did you want to share?

MS. THOMSON: Thanks. I was just...I have the Honolulu Bill. If anybody wants to review it, we can make copies, it's January 1, 2022. It references the sections, but I believe that the references are to the new plastic disposable foodware sections. So, January 1, 2022.

CHAIR SINENCI: Okay. Ms. Sugimura and then Ms. Kama.

COUNCILMEMBER SUGIMURA: Yeah. Thank you. I think Chair also submitted the same document. It's in Granicus for the public. So, thank you for doing that. Good job. So, I got a text. What about poi? How does this affect Aloha Poi?

VICE-CHAIR KAMA: Outside of the County.

CHAIR SINENCI: Mr. Nakagawa?

MR. NAKAGAWA: All right, Chair. Thanks. I mean if we just want to talk about specific items like poi. I mean, as you heard Ms. Thomson, is you get from Hanalei Poi. It's prepackaged, right? So, it's okay.

COUNCILMEMBER SUGIMURA: What about Aloha Poi made here on Maui, the Nakawa [sic] family.

MR. NAKAGAWA: If you had poi, and I don't know if Aloha Poi is made here, or if it was called Hana Poi and they make...because I know they make...it wouldn't be okay.

COUNCILMEMBER SUGIMURA: Aloha Poi which is the Nakama family cannot, they have to change their packaging because of this?

COUNCILMEMBER KING: It's prepackaged.

CHAIR SINENCI: Ms. Thomson, do you want to add?

MS. THOMSON: So, poi in bags that would be coming from like, you know, a factory or a store, or wherever they are putting it in the bags, that would be okay. But poi in plastic foodware that's served at a luau or a party, you couldn't use those plastic containers for service.

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COUNCILMEMBER SUGIMURA: If you go to a luau and you have poi, you can't serve it in the containers?

MS. THOMSON: Not in the plastic ones.

COUNCILMEMBER SUGIMURA: Well, usually when you go to a luau, you don't have bowls that you bring yourself. So, Chair, this is really good discussion and I don't want us to be single mindedly thinking that this is gonna solve all the problems of the world, when we're having businesses like the Nakama's Aloha Poi Factory which is here for generations gonna be affected by this. I think it's, you know, there's other small businesses that will get affected by this. I want us to, you know, not go through this so quickly that we're gonna, you know, affect small businesses out there who work really hard. They're the backbone of our community, you know. Besides the big guys. I mean, it takes everybody. This is a good thing, but let's think about it and walk through it slowly.

CHAIR SINENCI: Okay. Thank you, Ms. Sugimura. Ms. Kama and then Ms. King.

VICE-CHAIR KAMA: Thank you, Chair. So, I have with me the Hawaii Food Industry Association and they oppose this bill. And I'm assuming that we all got a copy of this and they tell you why. So, the urgency that Member Sugimura is speaking to is something we really need to consider. I mean, it tells me here, that they are made up of 200 member companies representing retailers, suppliers, producers and distributors of food and beverage related products in the State of Hawaii. These are our people. These are our family members that are working for these companies. So, if we're going to do something, let's think really long and hard and take the time before we make a huge mistake. So, I'm just saying that let's take a deeper dive into how this is really going to impact our local businesses, our mom and pop stores and make sure that we take care of them. Thank you, Chair.

CHAIR SINENCI: Thank you. Ms. King?

COUNCILMEMBER KING: Thank you. Getting back to the dates, I just wanted to correct what was said earlier. The utensils will be banned January 1, 2021 and Styrofoam containers January 1, 2022 so that's from Councilmember Manahan on the Big Island who proposed the bill.

UNIDENTIFIED SPEAKER: Oahu.

COUNCILMEMBER KING: So, they're a little bit behind...what did I say, on Oahu, they're a little bit behind us on the Styrofoam, but ahead of us on the plastic utensils. But what I wanted, and I also wanted to correct that if you're making poi in a factory, your bags of poi are not going to be banned under this bill. You'll be able to package it just like people packaging cookies or potato chips, or whatever, for later consumption. If you go to a luau and they're gonna serve you poi, right now they put it in little paper cups, so they're not using plastic or Styrofoam. They used to use Styrofoam cups and then they

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did away with that. That was not that difficult. So, they put in paper, cardboard cups, or however that, you know, it like little mini, it looks like a little mini coffee cup. It doesn't mean that they're expecting you to bring your own container or plastic containers. It's just we're trying to get rid of the single-use plastic. That's the goal of this. And to me, that's extremely urgent. The plastic bag ban was fought long and hard by the retailers and I think most of them are finding out they're actually saving money, because they don't have to provide plastic bags in the stores anymore and they can sell you reusable bags. So, to me, it became a big boon. The Styrofoam ban was fought long and hard by the same people and now everybody is using clam shells and using compostable's. We're not seeing the Styrofoam around. We're not seeing the plastic bags in the, what we used to call the plastic bag forest across from the landfill. I mean, that was when the plastic ban went into effect, it was immediately observed how many fewer plastic bags there were. So, and we had the kids here. They're talking about urgency. They're talking about their future. I think we need to make this a priority and we need to, you know, we've declared a climate emergency. This is part of climate action. So, to me, I think we should move ahead with it. I don't want to spend any more time. I am willing to, you know, support the date being pushed back six months for effectiveness, but I think people are going to be voting with their dollars and I think they're going to be looking for those establishments that are doing the right thing sooner than the actual date that we put on there. And I appreciate all the education that we're going to do on the outreach and everything, but I'm already seeing restaurants using paper straws and replacements for plastic. So, I think they're actually more ready than we think they are. There may be some staunch ones out there that, you know, are worried about it, but the more, like we said with the Styrofoam and it bore out, the more folks who use the compostable materials, the cheaper they get. Because they start being imported onto Maui in bigger quantities and then the individual components are a lot cheaper. When we first started looking at the Styrofoam ban, people were bringing us these variations of prices that we were looking at and on the Styrofoam side we were looking at prices per unit if you bought 5,000 and on the compostable we were looking at prices per unit if you bought 500 because there just weren't those big amounts being ordered. And now we're finding that they can actually be cheaper if they're ordered in bulk like that. And so, I think that the research has been done over and over again. And the research started when we did the plastic bag ban and then it went into the Styrofoam ban. And we've been looking at this plastic, this single-use plastic ban since, this was out from Elle Cochran. So, this is a couple years old already. So, you know, I'm in favor of passing this out today. I will vote in favor of giving the Department more time, but I think that the consumers are going to be who demands quicker action. So, I have faith in the, you know, in the environmental will of the County.

CHAIR SINENCI: Mahalo, Member King. Member Molina?

COUNCILMEMBER MOLINA: Thank you very much, Mr. Chairman. I speak in favor of the extension. I would hope that the Chamber of Commerce take action to do their surveys, I believe that was one of their concerns and as was stated earlier, this bill was first proposed in December of 2018 if I'm correct. So, there has been time. So, now I hope they get on their horses and survey their members and any other business entities. As I know, we've kind of broadened the discussion to go from the amendment now to the

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pros and cons of the bills so I'll add my thoughts. You know, we should look at this as an opportunity and it's only natural for people to fear change and I was just thinking along the lines today what about, you know the plastic bag issue? It spawned new industries. So, I remember when I was being attacked by the Walmarts and the Kmarts that this is the end of the world and the Hawaii food retailers saying the same thing. It's going to destroy businesses. People are going to go out of business. Well, you know, Mr. Chairman, that was back from 2006-2007. People are thriving with this legislation and while at the same time, we're protecting our environment. The very thing that we're concerned about with plastic. So, something good actually came out from this. So, I see the same thing like this. Because I was thinking now, okay, if we ban plastic utensils, single-use, well how about creating maybe wood and maybe there's an industry that create maybe wooden utensils or something that's more, I guess, more disposable, compostable for our environment. So, sometimes through innovation and we change with the times and there is the talent and the mindset out there to adapt to change and maybe come up with something else. Maybe rent utensils if you know what I mean. People rent tables, for luaus, you know. The cups for the poi. Yeah. Go with paper. Yeah, it may cost a little bit more, but you know, it's not like at all luaus you're going to have poi, because it is expensive nowadays too. So, it's your choice to do poi or not. But that's one way to look at things. So, it can spawn new industries and something that I hope the business community could embrace in that, you know, frame so to speak. So, I will support the amendment, as well as eventually when and if you decide to move this out of Committee, so be it. But I guess there has been enough time to digest this as I see it. So, yeah, let's just embrace it, because the younger generations are speaking up already because what we do today is going to improve them. 'Cause chances are some of us will not be around for the long term and as I mentioned with my getting involved with that Surfrider Foundation cleanup the other day, just in Kahului Harbor alone, some of the stuff you see. And it's not only being generated off the land here. It's stuff that's washing on our shores, you know, from cruise ships or other countries with the netting and all that stuff. So, we need to really open our eyes and take this stuff serious now. So, this is yeah, it may not be the cure-all, but it is one small step. So, anyway, I've said enough. Thank you, Chair.

CHAIR SINENCI: Thank you, Member Molina. I look forward to eating poi out of a ramekin.

VICE-CHAIR KAMA: Chair, I have a question to the Department.

CHAIR SINENCI: Yes.

VICE-CHAIR KAMA: How much, or how do you interact with the businesses that we are concerned with, you know, Hawaii Food Industry Association and all the other mom and pop stores. How do you reach out to them to help them to understand the maze that we are looking at right now in this resolution?

MS. FARNSWORTH: Chair?

CHAIR SINENCI: Ms. Farnsworth?

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MS. FARNSWORTH: Thank you. So, I'll just use the example of the polystyrene ban which I think we'll take a similar direction with it. So, the first thing we did was we sent out a mailer to all of the businesses that we had from the Department of Health list for food service establishments. We did miss some of the grocery stores so we'll make sure, you know, we're learning lessons along the way. So, we do have all of our notes and we'll make sure to reach out even more. So, first we sent out an invitation and notification for the hearing for our administrative rules and we sent out the ordinance and we sent out the draft of the administrative rules and we invited them to comment on it. And we also reached out to the distributors, the main distributors for the food service ware, and we talked to them extensively about their date, their timing, their timelines, what they were hearing from their customers and we just talked through it a great deal over a period of a few months and we were able to provide information and find out what we really needed the business, or what the businesses really wanted to know. We also tried to provide as much information about new products as we could. The distributors were really actually ahead of the game. They were, they already were planning ahead once the ordinance passed. They were getting ready already and they had already determined their plan of action for the most part. And then, after the administrative rules had passed, they...we then sent out another mailer to all of the businesses that we had on the list and we sent them window clings and we sent them posters to put in their businesses, as well as the last final drafts of everything. And we also created a webpage that helped with education around it and then we did a big public education campaign after we worked with the businesses to let everybody know it's coming and we did radio ads, PSA's and print ads, and some web ads, as well. So, I think we will probably follow that format generally.

CHAIR SINENCI: Thank you, Ms. Farnsworth.

VICE-CHAIR KAMA: Follow-up, Chair.

CHAIR SINENCI: Follow-up, Ms. Kama?

VICE-CHAIR KAMA: So, did anybody, did any of the businesses ever call and ask you folks to help them to understand or to clarify things or just to help them to get through?

MS. FARNSWORTH: Yes, they did. And we will provide, continue to provide that resource. I think we'll make sure that we, in the administrative rules process, we're going to be very clear on exactly what is included and what isn't included so that we can be the best resource as possible.

VICE-CHAIR KAMA: So, do you know how many businesses we have in the County?

MS. FARNSWORTH: How many food service businesses?

VICE-CHAIR KAMA: I mean well...

MS. FARNSWORTH: Or and then there's also grocery stores that may be...

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CHAIR SINENCI: Oh we do...okay.

COUNCILMEMBER KING: We made the motion and then we made the amendments on top of it so we're back to the main motion as amended.

CHAIR SINENCI: Okay. Do I need to take another motion...or okay, so we're back to the main motion on the floor with amendments. Any discussion? Last chance.

COUNCILMEMBER KING: Call for the question.

CHAIR SINENCI: Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. Yeah, so I still stand by my belief that we need to, I mean, this is something good that's happening and I don't think we need to rush it. I feel like we're trying to rush it to pass something. It would be nice if we did like in phases, you know, plastic bag was done, polystyrene, and then maybe straws and cups, or I don't know what it is, but to do an all, right, single-use plastic disposable ban, you know, foodware ban right now, I think it's premature. And that I believe, I stand by the small businesses that will get affected by this. And Member Kama brought up a good point about these organizations and the testimony that they submitted to us, I take to heart. I take to heart, you know, Nakama family who have been making poi, you know, as well as how this would affect them. If they make it here, they can't use, you know, they can't use the plastic bag. If they make it in, I don't know, Kauai or something it's okay. But it's affecting small businesses that, I think that we need to give them the courtesy so that the discussion can happen and then have all the information and then make a decision. So, I'm going to vote against this and I'm not against, you know, what the intent of this bill is and what the other members I hear you supporting it. I mean, that's great. But I believe that we owe it to the small businesses on Maui who like are the mom and pop's, the people who work really hard that this is coming and get input from them before we make a law or change rules. I guess we, you know, whatever the Department wants to do, I respect what they're trying to do also. But I'm going to vote against this for those reasons.

CHAIR SINENCI: Okay. Thank you, Member Sugimura.

VICE-CHAIR KAMA: Chair?

CHAIR SINENCI: Vice-Chair Kama?

VICE-CHAIR KAMA: Thank you. What is the harm if you would defer this for a couple of months? Until we talk to some of the local mom and pop's?

CHAIR SINENCI: Did anyone want to chime in on that? Mr. Nakagawa?

MR. NAKAGAWA: Yeah, Chair. I mean, there's no harm. I mean, you can defer it and vote later. I mean, I don't think any of the terms will change, right. And it's not going to...I

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don't think you guys are going to vote to extend the effective date even further. So, I don't see any other harm with that. Maybe Tamara might want to touch on it.

CHAIR SINENCI: Ms. Farnsworth?

MS. FARNSWORTH: It's a tough one, because I think there is an urgency around plastics on the planet and particularly in an ocean environment. So, I think that the more we kick this down, this can down the road, the more time there's going to be for more plastics to get into the environment, more fossil fuel and greenhouse gasses to be emitted into the environment and we don't have a lot of time. Having said that I also think that, you know, even if it did pass out of Committee, there's still time for discussion and there's still time to reach out to community to get more comment as it goes before full Council.

VICE-CHAIR KAMA: Thank you. So, Chair, so again to the Department, so when do your administrative rules come out?

MS. FARNSWORTH: We have, actually you took out the date, but we would be working on them over, within six months.

VICE-CHAIR KAMA: Okay.

MS. THOMSON: So, we...if I could, Chair?

CHAIR SINENCI: Ms. Thomson?

MS. THOMSON: We have administrative rules for the polystyrene containers already out, so if and when this passes, we would start working on the rules right away. Realistically, it would probably take at least six months, but it may be up to a year because it goes through a public hearing process and all of that.

VICE-CHAIR KAMA: Okay. That's what I was getting at is that because there will be a public hearing and the public will have an opportunity to weigh in, which means that we'll have an opportunity to do more education at that time. Thank you. Thank you, Chair.

CHAIR SINENCI: Thank you. Ms. Thomson?

MS. THOMSON: The rule-making process is definitely an opportunity for outreach and education, you know, with the only caveat that the rule making has to comply with the ordinance. So, it can't be less restrictive than the ordinance.

CHAIR SINENCI: Thank you. Member King?

COUNCILMEMBER KING: Thank you, Chair. Yeah, I wholeheartedly support this and I do agree with Ms. Farnsworth there is an urgency overall on all of our climate actions that we're taking and we've heard it from the students today. Again, it's not going to affect the poi factory. They can still sell their poi in plastic bags, and especially because they're selling it for resale in other areas. But I also wanted to say that I was on the Council

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last term when we had a legislation we were considering on banning two harmful chemicals in sunscreens that are doing great damage to our reef and our environment. And we took too much time, we took so much time doing that, that the State legislature passed its own legislation which was watered down, it was not as strong as ours and pushed out three years. So, it still hasn't gone into effect. Had we passed our bill it would have gone into effect last year. And so, that's part of the danger of waiting too long is getting superseded by the State, because in that State legislation the counties were precluded from passing our own legislation so that died. We're not allowed to do anything on that anymore. We are following along, we're not doing anything new in the State, you know, Honolulu City and County passed this ahead of us and theirs is going to go into effect, their utensil ban is going to go into effect next January. So, we'll have a whole year of being able to collaborate with them on not just the outreach, I mean, we'll have a year between now and then to collaborate on the outreach, but also once it goes into effect to do any tweaks we need to do. Again, I want to say that there are provisions in this bill that I think are going to save restaurants money. One of them is not to give out plastic straws without asking. Every time I go into a restaurant and they automatically bring you a glass with a plastic straw and I'm thinking why do they think I need a straw to drink water out of a cup? I haven't asked for it. But if they don't have to do that, I mean, you think about how much they're going to be saving by not having to automatically give you all these plastic utensils and plastic straws and even the cardboard straws, it says, you have to, even the compostable's, they have to be requested before they're automatically brought out. So, I think there's actually, you know, I'm a huge supporter of small business and all the businesses on the island and I think there's a knee-jerk reaction that we saw with the plastic bag ban, with the Styrofoam ban, you know, people are just like, whoa, don't change anything it's going to cost us money. But I have a feeling that these, this just like the other two bans are going to end up saving businesses money as they save the earth, you know, as they save our environment. But certainly, I don't believe that it is going to put anybody out of business or harm anybody's business the way that it's written. It's got a lot of exemptions in it and it actually has, I mean, there are actually people out there that I don't think it goes far enough, but I think it's a good step. It's a good first step and it's going to, I mean I would love to see all of this disappear, you know, from every single school that's here, the display in front of you. How much is that every single day, you know, times 30 schools or however many we have on the island. So, anyway, I'm ready for the question. Thank you.

CHAIR SINENCI: Thank you, Member King. Member Paltin, you had some manao to share?

COUNCILMEMBER PALTIN: Thank you. You know, just in reading some of the testimony that was online, we got a lot of testimony from the folks in Honolulu that work at ABC stores or something, Zippy's and Minit Stop and whatnot, and some of them, you know, referenced about, maybe not the ABC stores, but there were some reference about like, you know, how sugar cane used to be our industry and whatnot. And for me I'm excited to vote in favor of this bill because everything made out of plastic can be made out of hemp and we got thousands and thousands of acres of just fallow fields. And so, you know, we're staring at the vision of our own solution right there. We got thousands of acres of fallow fields. Everything plastic can be made out of hemp and boom, there. So,

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sometimes you just need a little kick to kick start your bike or whatever and so I'm ready for the question.

CHAIR SINENCI: Thank you Member Paltin. Member Molina?

COUNCILMEMBER MOLINA: Thank you very much, Mr. Chairman. I want to thank you for ushering this bill through, Mr. Chairman, and I know it was initially started by former Councilmember Cochran, but I want to thank you for your concern and your proposal to move this forward. And I think someone earlier hit on it. I think it was maybe Ms. Farnsworth about this plastic thing. It's a global thing now. It's becoming a major concern and I would invite any of you, Mr. Chairman, and all of my colleagues to take part in one of these beach cleanups and the reality is there. The plastic is becoming a major problem, and it was something that was meant to be good and there are still some good uses of plastic, but it's how we use it and the unintended consequences of plastic. And it's a case of for us here anyway with our County, if with regard to the legislation, if not now, when do we do it? I don't think you can put a price on our environment and I'm not a model environmentalist, but it's something we need to really take seriously now, and yes, I understand the concerns of small businesses, you know, the Nakama family have done a great job with poi. But we have to look for some alternatives. You know, the ancient Hawaiians never had plastic to put their poi. And like I said, sometimes through change, it spurs innovation where we can find the solution and at the same time create a win-win situation for business and the environment. So, I really think that this is high time now to take a stand on this, because if we don't, we can just, we have the choice of kicking the proverbial can down the road or take a serious stand. Because it sends a message not only to our residents here, but to the world, and we all value, you know, our visitor industry and so if we're taking steps, progressive steps to address this concern, you know, let's do it. And in terms of public hearings, Mr. Chairman, we've had what, two meetings on this, three meetings?

CHAIR SINENCI: Yeah.

COUNCILMEMBER MOLINA: Under your chairmanship? So, there are opportunities for the public or especially the business sector to weigh their concerns and I haven't seen the folks here from the business community to express their concerns. So, it tells me one of two things, either they don't care or they're willing to embrace change. So, I believe we are providing the opportunities, the venues for, you know, the public to come out. And of course, the Council, three members can initiate a public hearing if that's their choice to provide an additional venue for the public, or especially the business sector to share their thoughts with us. So, sometimes the way to get people out is you got to take action. So, let's take the action and then if there are real major concerns, the fire alarm is going to be sounded, then so be it. But if we defer on this and not take action what's the point of doing this? But that, you know, all those plastic bags with the containers, it's, you know, a picture paints a thousand, says a thousand words, yeah? So, I'm ready to move. Thank you, Chairman.

CHAIR SINENCI: Mahalo, Member Molina. Yes, thank you for all your guys' input. I wanted to weigh in. As the Chair of this Committee, I am embolden and committed to aloha

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aina values. As a kid growing up in East Maui, you know, we grew up in the ocean fishing, diving and we continue the legacy of aia, the fishermen and all of the fishing koa like other places in the sea. And so, our little keikis, you know, this is something that we want to perpetuate in them, the old fishing traditions that was given to us and I feel that kuleana to continue that. And so, I'm also a supporter of our local small businesses and I'm hoping that the extended time we'll do all we can, you know, with our vote comes kuleana, responsibility. So, whatever our small businesses need to move in this direction, we want to kokua them every step of the way. So, with that, I'll call for the vote.

COUNCILMEMBER MOLINA: Chairman, my apologies. Can I just ask one quick question of the Department?

CHAIR SINENCI: Sure.

COUNCILMEMBER MOLINA: You know we had the alternatives for the Styrofoam containers and now we have the compostable ones, what are the alternatives for single-use utensils, what options are there out there for our businesses?

MS. FARNSWORTH: I'm not a complete expert; however, I am aware there are a few products made from cornstarch and other types of plant-based materials. So, particularly for utensils and straws, there is very easy solutions there that can replace the plastic straws. The schools, for instance, are not ready to change and go completely reusable yet. They can switch to maybe cornstarch or some, another type of material based product. And then there are a number of different types of products coming on the market now emerging, as well as established that are made from bagasse, from cornstarch materials, and paper-type materials. We do have one expert in the room but that's what I'm just aware of off the top of my head.

COUNCILMEMBER MOLINA: Thank you for that, Ms. Farnsworth. So, change in lifestyle can spur innovation for the betterment of our planet and environment, yeah? So, okay. Thank you.

CHAIR SINENCI: Thank you, Mr. Molina. So, I'll call for the vote. The main motion on the floor, with the amendments, all in favor, say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR SINENCI: Opposed?

COUNCILMEMBER SUGIMURA: Oppose.

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**VOTE: AYES: Chair Sinenci, Vice-Chair Kama,
Councilmembers King, Molina, and Paltin.**

NOES: Councilmember Sugimura

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Lee

MOTION CARRIED.

ACTION: Recommending FIRST READING OF REVISED BILL

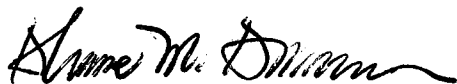
CHAIR SINENCI: Okay. That's five "ayes," one "no," motion...Member Sugimura. Motion passes. Thank you, Members. I wanted to...

...*(applause)*...

CHAIR SINENCI: Thank you. I wanted to thank the Members, the administrative representatives, and our outside resources. And thank you for all those who stayed all the way past our meeting times for your support. We appreciate your testimony and coming in today. This concludes today's Environmental, Agricultural, and Cultural Preservation Committee meeting. Thank you very much, Members. This February 18th meeting of the EACP Committee is now adjourned. ... *(gavel)* ...

ADJOURN: 4:45 p.m.

APPROVED:



SHANE M. SINENCI, Chair
Environmental, Agricultural, and Cultural
Preservation Committee

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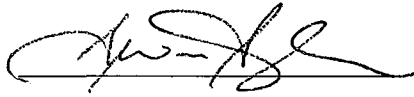
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CERTIFICATE

I, Terianne Arreola, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 4th day of March, in Makawao, Hawaii.

A handwritten signature in black ink, appearing to read 'Terianne Arreola', written over a horizontal line.

Terianne Arreola