



Disposable Foodware Ordinance Advisory Group Meeting #2

Wednesday, April 29, 2020
1:00 – 3:00 p.m.
Zoom Video Conference

ATTENDEES

Advisory Group Members:

- Nicole Chatterson, Zero Waste O’ahu
- Edna Ching, Hawai’i Food Industry Association
- Jason Higa, Chamber of Commerce Hawai’i
- Jennifer Milhollen, Kokua Hawai’i Foundation
- Ari Patz, Sustainable Island Products
- Doorae Shin, Surfrider Foundation O’ahu
- Kevin Wong, KYD Inc.

City and County of Honolulu Staff:

- Josh Stanbro, Office of Climate Change, Sustainability and Resiliency
- Hayley Cook, Office of Climate Change, Sustainability and Resiliency
- Tim Houghton, Department of Environmental Services
- Henry Gabriel, Department of Environmental Services
- Miya Devoogd, Department of Environmental Services
- Karen Kamihara, Department of Environmental Services

Members of the Public:

- Alexis Chapman, Hawai’i Food Industry Association
- Natalie Wohner – Surfrider Foundation O’ahu
- Elizabeth Benyshek – Surfrider Foundation O’ahu
- Kaitlyn Jacobs – Surfrider Foundation O’ahu
- Marshall Himuro

NOTES

1. Summary of Advisory Group Meeting #1

At the first meeting, Advisory Group members reviewed the initial questions received by the Department of Environmental Services (ENV). Members provided input on which questions needed further clarification in administrative rulemaking.

2. Review of ENV Responses to Initial Questions



ENV provided responses to the questions reviewed at the first meeting to provide some initial clarification and receive additional input before drafting administrative rules. The group reviewed and discussed the responses:

- Discussion on minimum serving size for “catered” food:
 - Restaurants typically view catering in terms of number of heads.
 - Many restaurants have a catering-specific menu.
 - This can have multiple applications, such as the catering-specific menu at a restaurant or a catering operation that provides food service for large events (this could include the provision of individual bento boxes, for example).

- Discussion on what makes a product “disposable”:
 - Considerations include a limited number of uses versus a manufacturer specification that the product was designed for long-term multiple reuse.
 - In reality, even if a product is marketed as “reusable”, many customers won’t reuse the product.
 - An original version of the bill included a definition of disposable that included “designed to be sanitized”.
 - Some products, in practice, can be washed and reused or repurposed, but deliver a single (or one-time) use material. For example, a plastic ice cream container can be washed and repurposed, but it cannot be taken back to the store to be refilled with ice cream.
 - Some products do have an associated number of uses. For example, melamine plates will have a number of times it can go through a dishwasher before they become unsanitary.
 - Manufacturers can provide specifications for products designed for reuse.

- Discussion on if schools must comply with Ordinance 19-30 (“Ordinance”):
 - The Department of Education (DOE) has acknowledged the requirements of the Ordinance, but still intends to provide plastic items in 2021.
 - The DOE’s bid infrastructure was in place before the start of 2020 and bids were due in January 2020 for August 2020 to May 2021.



- Following the passage of the Ordinance, the bid process was not amended to consider new requirements, and therefore, distributors are bidding on what will be non-compliant plastic products.
 - Does the bid supersede the Ordinance or does the Ordinance supersede the bid and require DOE to file for an exemption?
 - ENV's previous inspections only included private schools, but moving forward, ENV is looking into the potential to inspect public schools as well.
- Discussion on how much plastic in a product is allowable:
 - Confusion may exist around the term "biodegradable" because some biodegradable products can still contain a percentage of petroleum-based plastic, whereas paper or compostable products are plastic-free.
- Discussion on the differences between the terms "prepared" and "prepackaged":
 - The definition of "prepackaged food" in the Ordinance includes the phrase "prior to being provided for sale by a food vendor to a customer", but the definition of "prepared food" includes "packaged after being ordered and ready to be consumed". There could be more clarity around what constitutes the point of sale and if that is where a line is drawn between the two terms.
 - If the same food item is presented or sold differently, i.e., retail versus takeout, is it differently subject to the Ordinance or does one type (prepackaged or packaged) become the default?
- Discussion on the term "shelf-stable":
 - The food industry does not use this term.
 - The definition does not include a time frame.
 - The Department of Health Food Safety Branch has clear guidelines.
- Discussion on the provision of plastic straws:
 - What are the requirements for employees to verify medical exemption in compliance with ADA?
 - Will businesses be required to carry two types of straws to be in compliance?



- Discussion of the phrase “no reasonable alternative available”:
 - Could be determined by if there is no one-to-one alternative.
 - Businesses will be looking for the ability to choose and not be restricted to buying a certain kind or brand of product because it is the only alternative available.
 - The opportunity to request an exemption provides operators to make the case why they feel there is no reasonable alternative available for a particular product. Individual businesses will have the best understanding of their situation, but ultimately it is up to ENV to decide if there’s enough hardship to warrant an exemption.

- Other comments:
 - Non-profits represented in the Advisory Group are dedicated to helping with education and resource development and would like to be useful to ENV where possible.

See the full list of responses to the initial questions here:

<https://static1.squarespace.com/static/59af5d3cd7bdce7aa5c3e11f/t/5ed58b83ab670a3abe18c080/1591053189431/Responses+to+Initial+Questions+Received+by+ENV.pdf>.

3. Agenda for Next Advisory Group Meeting

ENV will take the input received at this meeting and prepare a draft of administrative rules in proper formatting. The Advisory Group will have the opportunity to review the draft and come prepared with questions, comments, or other feedback.

4. Public Input

No public input.

5. Adjournment

The meeting was adjourned at 3:00 p.m.