



Disposable Foodware Ordinance Advisory Group Meeting #1

Wednesday, March 11, 2020

12:00 – 2:00 p.m.

Mayor's Conference Room

Honolulu Hale

530 South King Street, Honolulu, Hawai'i 96813

ATTENDEES

Advisory Group Members:

- Bryan Andaya, Hawai'i Restaurant Association
- Nicole Chatterson, Zero Waste Oahu
- 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 Oahu
- Lauren Watanabe, Sierra Club Oahu
- Kevin Wong, KYD Inc.

City and County of Honolulu Staff:

- Josh Stanbro, Office of Climate Change, Sustainability and Resiliency
- Justin Gruenstein, Office of Climate Change, Sustainability and Resiliency
- Hayley Cook, Office of Climate Change, Sustainability and Resiliency
- Lori Kahikina, Department of Environmental Services
- 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
- Sheryl Matsuoka, Hawai'i Restaurant Association
- Gary Shnacke, Pacific Cup
- Matt Weyer, Office of Councilmember Tommy Waters

NOTES

1. Welcome and Introductions

Office of Climate Change, Sustainability and Resiliency ("Resilience Office") made welcome remarks and all participants introduced themselves and their representative organizations.



2. Purpose and Operating Principles for the Advisory Group

The Department of Environmental Services (ENV) provided clarity on the administrative rulemaking process:

- The department has one set of administrative rules that implement various ordinances. Where the ordinance is the structure, the rules get into the details.
- The administrative rules establish procedures for fines and enforcement.
- ENV staff drafts rules, which will be reviewed by corporation counsel and sent to the mayor for signature and approval.
- The draft rules will have a public comment period of 30 days. The public hearing is conducted by ENV and separate from Honolulu City Council hearing processes.
- Ideally, the administrative rules for Ordinance 19-30 will be in place by the end of the fiscal year (June 30) so that there is adequate lead time for industry to prepare for its implementation starting January 1, 2021.
- Administrative rulemaking falls under the authority of ENV and the Resilience Office is assisting with the facilitation of the advisory group.

The Resilience Office provided clarity on Advisory Group purpose:

- The purpose of the Advisory Group is to provide input to ENV by identifying questions and areas of the ordinance that should be considered in the administrative rulemaking process.
- The first meeting's purpose is to review questions already received by ENV and announce other questions for consideration.

3. Sunshine Law Requirements

CCSR provided clarity on Sunshine Law Requirements and provided Advisory Group members with a handout of key points and links to additional information:

- This Advisory Group's requirement to abide by Sunshine Law is based on an opinion by the state's Office of Information Practices.
- Meeting agendas will be posted six days in advance.
- Minutes will be taken and posted.
- Members are required to get Sunshine Law training, linked at the bottom of the handout.
- Any member of the public who requests to be informed of the group's activities will be added to a list serve and provided agendas and minutes.



4. Review of Initial Questions from the Department of Environmental Services (ENV)

The Advisory Group reviewed and discussed the list of questions ENV received—both from within the department and from the public—prior to the meeting of the Advisory Group. Some areas of the ordinance that the group agreed will need further clarification in rulemaking:

- The definition of “disposable” and how many uses are considered disposable.
- The definition of “business” and if it includes schools and churches.
- The definitions of “prepared” versus “prepackaged” and “made-to-order” versus “grab-and-go”, such as poke and other supermarket deli items.
- The definition of “service ware” and if it is limited to only the items listed in the definition.
- The definition of “catered food.”
- The allowable percentage of plastic in a product.
- The process for enforcement.
- The process for industry exemptions.

The group determined that other questions regarding supply chain availability and food safety compliance for alternatives would not be clarified in administrative rulemaking.

See the full list of initial questions here:

<https://static1.squarespace.com/static/59af5d3cd7bdce7aa5c3e11f/t/5e729b83dbc5156b7567bbee/1584569220463/Initial+Questions+Received+by+ENV.pdf>

5. Review of Questions and Comments from Advisory Group Members

Advisory Group members presented additional questions for consideration by ENV such as:

- Is “catered food” provided an exemption regarding the ban on food vendors, but not provided an exemption regarding the ban on all businesses?
- Will acceptable alternatives be defined in rulemaking?
- What is the current definition of compostable?

Advisory Group members were asked to provide any additional initial questions within one week to ensure consideration in the first draft of administrative rules



by ENV. Questions provided later will still be considered, but may not be reviewed prior to the next Advisory Group meeting.

6. Agenda for Next Advisory Group Meeting

ENV will take questions posed by the Advisory Group into consideration when creating the first draft of administrative rules to be presented to the group at the second Advisory Group meeting scheduled for April 8th from 1:00 – 3:00 p.m. Advisory Group members can attend the meeting at either Honolulu Hale or Kapolei Hale.

7. Public Input

It was suggested that for questions for which ENV cannot provide legal advice, it may be helpful to have outside counsel present to provide input.

8. Adjournment

The meeting was adjourned at 2:00 p.m.