



City and County of Honolulu  
Department of Environmental Services  
Disposable Food Ware Ordinance Exemption Application

City and County of Honolulu Ordinance 19-30, Chapter 41, Sections 41-27.1 through 41.27.8 of the Revised Ordinances of Honolulu (ROH), regulates the use of Polystyrene Foam and Disposable Plastic Food Ware and Service Ware on O'ahu.

As of January 1, 2021:

- Polystyrene foam food ware cannot be sold, served, or provided at any City facility, City authorized concession, city-sponsored or city-permitted event, or city program.
- Disposable plastic service ware cannot be sold, served, or provided by any food vendor in the City and County of Honolulu.
- Disposable service ware may be provided only upon request.

As of January 1, 2022:

- Polystyrene foam food ware cannot be sold, served, or provided by any business in the City and County of Honolulu.
- Disposable plastic service ware and plastic food ware cannot be sold, served or provided by any food vendor and business in the City and County of Honolulu.

The Department of Environmental Services (ENV) may grant an exemption to a food vendor, business, or industry applicant for up to 24 months from compliance as stated in ROH Chapter 41, Section 41-27.3. Businesses and food vendors must provide sufficient evidence if requesting an exemption due to there being no reasonable compliant alternative and/or compliance with ROH Sections 41-27.2 and/or 41-27.4 that would cause significant hardship, including where there is no affordable compliant alternative. An industry exemption may be granted upon application and provision of sufficient evidence that compliance with ROH Section 41-27.2 would cause hardship to the food service industry. **Please fill out the department-issued form, which you can download at [www.opala.org](http://www.opala.org), and provide supporting documentation as requested for the exemption request.**

For refuse and recycling information, visit [www.opala.org](http://www.opala.org). For assistance regarding the exemption process and/or the Disposable Food Ware Ordinance (Ordinance 19-30), please email ENV's Recycling Branch at [businessrecycle@honolulu.gov](mailto:businessrecycle@honolulu.gov) or call 768-3200 ext. 6.



## DISPOSABLE FOOD WARE ORDINANCE EXEMPTION FORM

Exemption from Compliance with Chapter 41, Sections 41-27.2 and 41-27.4, Revised Ordinances of Honolulu (Ordinance 19-30)

To read Ordinance 19-30, visit here:

[https://www.opala.org/solid\\_waste/pdfs/Bill\\_40\\_Ordinance\\_19-030.pdf](https://www.opala.org/solid_waste/pdfs/Bill_40_Ordinance_19-030.pdf)

For more information, visit ENV's website here:

[https://www.opala.org/solid\\_waste/disposable\\_food\\_ware\\_ordinance.html](https://www.opala.org/solid_waste/disposable_food_ware_ordinance.html)

See the back of this form for additional information and guidance for filling out this form.

Date of Request: \_\_\_\_\_

**This application shall be applicable for an exemption request by the following:**

*(Please check which exemption you are requesting.)*

1. Food Vendor [ ] select A or B
2. Business [ ] select A or B
3. Industry [ ] select C
4. City and County of Honolulu [ ] select A or B

**Number of stores/locations included in this request:** [ ]

*(If more than one location, please list names, addresses, and registration certificate numbers for all locations below.)*

**Name(s):**

\_\_\_\_\_

**Address(es):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Registration certificate number(s):**

*(Provide a copy for each location.)*

\_\_\_\_\_  
\_\_\_\_\_

**Is this a new application?**

Yes  No

**Is this a request to renew an existing exemption?**

Yes  No

*If yes please provide a copy of prior exemption.*

**Is this a resubmittal of an application?**

Yes  No

*If yes, please state the reason(s) for resubmittal:*

---

---

**TYPE OF REQUEST FOR EXEMPTION (A – C)**

*(Check the exemption most applicable to your needs.)*

**A-  NO REASONABLE ALTERNATIVES AVAILABLE – *applies to food vendors and businesses only (per ROH Ch. 41, Sec.41-27.3 (a) (1)).***

1. Provide a description of the polystyrene foam ware, disposable plastic service ware, or disposable plastic food ware at issue;
2. *(If applicable)* Identify and describe the prepared food that the applicant intends to sell, serve, or provide in the non-compliant product;
3. Provide a detailed statement explaining why the applicant cannot use a compliant product to sell, serve, or provide the prepared food;
4. Provide the factual basis to support the request to use the non-compliant product; and
5. Provide copies of all exemptions issues to the applicant under this article.

**B-  SIGNIFICANT HARDSHIP – *applies to food vendors and businesses only (per ROH Ch. 41, Sec. 41-27.3 (a) (2)).***

1. *(If applicable)* Identify and describe the prepared food that the applicant intends to sell, serve, or provide in non-compliant products.
2. Provide a detailed statement explaining the significant hardship that would be caused by using the compliant alternative, including but not limited to financial loss, logistics and personnel issues because there is no affordable compliant alternative.
3. Provide the factual basis to support the request that the use of a compliant product at issue would cause the applicant significant hardship and that there is no affordable compliant alternative.
  - a. Documentation you must provide to support your case includes:
    - i. Information and supporting documentation relating to the cost of the non-compliant product(s) at issue.
    - ii. Information and supporting documentation relating to the cost of compliant product(s) at issue.
    - iii. At least three suppliers’ bid invoices/statements that demonstrate cost is not affordable or competitive within the marketplace.



## ADDITIONAL INFORMATION AND GUIDANCE FOR COMPLETING THIS FORM

### For Food Vendor and Business Applicants:

**1. Why might there be no reasonable alternatives to the use of a non-compliant product available to a food vendor or business?**

A business or food vendor may find there is no **reasonable compliant alternative** in situations where it is necessary to:

- Safely contain food of significantly high or low temperature.
- Impact to Hazard Analysis and Critical Control Points plan applicable to a food vendor.
- Have specific transportation requirements or safeguards.

**2. What constitutes significant hardship for a business or food vendor?**

A business or food vendor may experience **significant hardship** when in situations including but not limited to:

- There is no affordable compliant alternative if it causes economic hardship to the applicant. An **affordable compliant alternative** is a compliant alternative competitive in price within the marketplace, provides the same quality of intended services as a compliant product, and is reasonably priced to purchase by the majority of similar users.
- A business or food vendor if for any reason is unable to offset the cost of a compliant alternative.
- Compliance deprives an individual of a legally protected right.

**3. What documentation may a business or food vendor include in the application to demonstrate significant hardship?**

As stated on the form, there is certain documentation the applicant must provide to support the case for the requested exemption. These include:

- Documentation reflecting the cost of the non-compliant products at issue.
- Documentation reflecting the cost of compliant products at issue.
- Bid invoices/statements from at least three suppliers' that demonstrate the cost of the compliant alternative is not affordable or competitive within the marketplace.

Additionally, applicants may submit additional documentation to support the case for the requested exemption. These include but are not limited to:

- Certified profit/revenue loss statement(s).
- Other financial statement(s) demonstrating financial hardship or an inability to offset the cost of a compliant alternative.

### For Industry Applicants:

**1. What constitutes a hardship for the food service industry?**

(a) Situations where there are no acceptable alternatives.

*An **acceptable alternative** is a product that attains or approximates the objective of the compliant product, meets the intended usage as recommended by the manufacture for the industry, and may not become a safety hazard if used as intended.*

(b) Situations where acceptable alternatives are not readily available.

*An acceptable alternative may be **readily available** if it is consistently obtainable and can be provided by the majority of suppliers without interruptions of 30 days or more.*

DRAFT