

Ordinance 19-30

Questions Initially Received by the Department of Environmental Services (ENV)

- (1) With loose bakery items now exempt in handle-less plastic bags, is the ordinance promoting the use of unacceptable bags, per the Plastic Bag Ban, such as non-recyclable paper bags?

Referenced Section:

SECTION 2. 2. (2) (A) [~~Bags~~] Handle-less plastic bags used by customers inside a business to package loose items, such as bakery goods, fruits, vegetables, nuts, ground coffee, grains, candies, or small hardware items (pg. 2)

- (2) Does “dampness” refer only to the product within a container itself, or also to byproduct moisture from distribution/consumption, e.g., a container lid with vent holes releasing steam producing moisture?

Referenced Section:

SECTION 2. 2. (2) (B) [~~Bags~~] Handle-less plastic bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or other items to contain dampness (pg. 2)

- (3) With exemption (B), can hotels still provide handle-less plastic bags for wet or dirty clothing because they “contain dampness”?

Referenced Section:

SECTION 2. 2. (2) (~~G~~) (D) Laundry, dry cleaning, or garment bags [~~, including bags provided by hotels to guests to contain wet or dirty clothing~~]; (pg. 3)

- (4) How many uses are considered disposable?

- (5) Is a container acceptable if shows reusable/washable?

Referenced Section:

SECTION 4. Sec. 41-27.1 Definitions. “Disposable” (pg. 5)

- (6) Does definition of food vendor include individuals who don’t have a business, like a kid having a lemonade stand?

Referenced Section:

SECTION 4. Sec. 41-27.1 Definitions. “Food vendor” (pg. 5)

- (7) Does the definition of “business” (and/or definition of “food vendor”) include public and private schools? They must currently comply with the Plastic Bag Ban’s definition of business but packaging for catered food is exempt.

Referenced Section:

SECTION 4. Sec. 41-27.1 Definitions. “Business” (pg. 4)

- (8) How much plastic in a product is allowable? Do products have to be 100% free of petroleum-based materials?

- (9) Does content mix only apply to the container? What if a sticker is placed on the container, like a sticker wrap on a cup?

Referenced Section:

SECTION 4. Sec. 41-27.1 Definitions. “Plastic” (pg. 5)

- (10) Does this bill specifically target take-out type food containers? The carve outs for pre-packaged foods and restrictions on prepared foods seem to support that direction.

- (11) Does the definition of plastic food ware include “food related bags or wrappers” as defined in the Plastic Bag Ban?

Referenced Section:

SECTION 4. Sec. 41-27.1 Definitions. “Plastic food ware” (pg. 5)

- (12) What does it mean polystyrene foam does not include clear, solid or oriented polystyrene?

Referenced Section:

SECTION 4. Sec. 41-27.1 Definitions. “Polystyrene foam” (pg. 5)

- (13) When poke is prepackaged and rice is added at the counter to make a poke bowl, what definition and container use prevails: prepackaged or prepared foods?

- (14) Unprepared whole fruits and vegetables are exempt from container restrictions. If the fruits and vegetables are chopped or prepared it falls into the “prepared food” definition which is restricted. If these prepared fruits and vegetables are prepackaged for grab and go sales, which definition and food container takes precedent for the retailer?

Referenced Section:

SECTION 4. Sec. 41-27.1 Definitions. "Prepackaged food" (pg. 5)

- (15) Is "service ware" ONLY stirrers, straws, baran, and utensils including forks, spoons, sporks and knives, or are other products included, such as plastic toothpicks, plastic pizza saver, and chopsticks?
- (16) RE: "term does not include items contained within or attached to packaging of food or beverages, including but not limited to, disposable plastic straws pre-packaged and sold with beverage boxes, or disposable plastic utensils pre-packaged and sold with ice cream or salads." - Does this apply to service ware attached by the business itself?

Referenced Section:

SECTION 4. Sec. 41-27.1 Definitions. "Service Ware" (pg. 6)

- (17) RE: "no food vendor shall sell, serve, or provide prepared food in any (polystyrene foam food ware/disposable plastic food ware) to customers" – Can food vendors provide an empty disposable plastic container to customers, if not providing food inside?

Referenced Section:

SECTION 4. Sec. 41-27.2 Restriction on polystyrene foam food ware, disposable plastic service ware and disposable plastic food ware. (pg. 6)

- (18) Are in-house meals exempt? For example, Molokai Hospital uses plastic hinge containers for in-house dining of patients and visitors. They also currently use the same type of plastic hinge containers for their "Meals On Wheels" prepared foods to home-bound clients.
- (19) What is the minimum serving size for a product to be considered catered food?

Referenced Section:

SECTION 4. Sec. 41-27.3 Exemptions

(d) (2) Packaging for prepackaged food, shelf stable food, and catered food (pg. 9)

- (20) What is meant by industry exemption?
- (21) Who should apply for industry exemption and what is the process?

(22) End-users have different purposes for various containers; would end-users apply for exemption for each product on a case-by case basis?

Referenced Section:

SECTION 4. Sec. 41-27.3 Exemptions. (b) Industry Exemptions

(23) Is plastic wrapping around utensils (e.g., plastic-wrapped straws, plastic-wrapped chopsticks) included?

(24) How will City manage availability of alternative food service packaging from China, Korea, etc due to Covid-19 supply chain disruption, to include slowdown in import shipping?

(25) What is the City's plan if supply chains are running short of sustainable products?

(26) What is the City's recommendation to prevent surface cross contamination from paper-based food service products which are an easier medium for bacteria growth?

(27) What does the City recommend for distributors' liability and customer complaints/demands for credit about PLA products that melt in ambient heat, not perform with acidic, salty or temperature hot foods?

(28) How will the City determine and manage food safety compliance with alternative containers?

(29) What is the City's instruction to consumers as well as businesses and distributors about the use of re-usable food containers?

(30) Baked pies are on the shelf in clear rigid plastic containers is allowed. Is a slice of pie considered "prepared" foods and must be sold in an alternative container?

(31) How does the City and County of Honolulu Ordinance work with Neighbor Island ordinances which may not be the same?

(32) Federal customers do not need to comply with City restrictions. How are distributors to meet federal customer supply needs?