

BILL NO. 74
(DRAFT 2)

ORDINANCE NO. 19 85

AN ORDINANCE AMENDING CHAPTER 20, ARTICLE 6, OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO POLYSTYRENE FOAM FOOD CONTAINER AND FOOD SERVICE WARE REDUCTION.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Chapter 20, article 6, division 1, section 20-60, of the Hawai'i County Code 1983 (2016 Edition, as amended), is amended to read as follows:

“Section 20-60. Findings and purpose.

Solid waste that is nondegradable or nonrecyclable poses unique problems for an island in the middle of the Pacific Ocean. Disposal of such waste either takes up valuable air space in existing landfills or ends up as litter, sometimes in our marine environment.

Polystyrene foam, sometimes incorrectly referred to as “Styrofoam,” is neither degradable nor compostable. It is made from non-renewable fossil fuels and synthetic chemicals that can leach out over time into the environment, especially after contact with hot, greasy, or acidic foods. When discarded, polystyrene foam often breaks into tiny pieces, is mistaken for food and ingested by land and marine animals, including birds and fish. This is detrimental not only to wildlife but to other life forms in the food chain.

In view of the detrimental impacts of this substance in Hawai'i County, it is the purpose of this article to: reduce the use of polystyrene foam food containers and food service ware by supermarkets and other vendors; eliminate the use of polystyrene foam for packaging prepared and unprepared food; and thereby promote the use of environmentally preferable alternatives.

Although foods packaged outside of the limits of Hawai'i County are excluded from the provisions of this article, the purveyors of foods prepackaged outside of the limits of Hawai'i County are encouraged to follow these provisions and thereby support the County's policy goal to eliminate the use of polystyrene foam disposable food service ware.

Implementation of this ban will begin to maximize diversion of compostables, including compostable foodware, from the waste stream to be available as compost to farmers, landscapers, and residents once the County's full-scale compost program is in place. [~~Accordingly, this ordinance is being implemented in tandem with the County's full-scale compost program.~~]

Through these measures, it is the [~~Council's~~] County's intent to improve environmental quality on the island and in the neighboring marine environment. Reduction of the amount of nondegradable and nonrecyclable waste that enters the waste

stream is consistent with and furthers the goals and policies expressed in this County's general plan, integrated resource and solid waste management plan, and its adopted zero waste policy as well as promotes the health, safety, and welfare of the County and its residents."

SECTION 2. Chapter 20, article 6, division 1, section 20-62, of the Hawai'i County Code 1983 (2016 Edition, as amended), is amended by amending the definitions for "ASTM standard," "Compostable," "Disposable food service ware," "Prepared food," and "Recyclables" to read as follows:

"ASTM standard" means the standards of the American Society for Testing and Materials International Standards D6400 or D6868 for biodegradable and compostable paper and plastics."

"Compostable" means all materials in the product or package will break down, or otherwise become part of usable compost (e.g., soil-conditioning material, mulch) in an appropriate composting program or facility. Compostable disposable food service ware includes ASTM-standard paper and bio-plastics (plastic-like) products that are clearly labeled so that any compost collector and processor can easily distinguish the ASTM-standard compostable ~~[plastic]~~ material from non-ASTM standard compostable ~~[plastic-]~~ material."

"Disposable food service ware" means disposable food containers that are commonly disposed of after a single use, that are used, or are intended to be used, to serve or transport prepared, ready-to-consume food or beverages. This includes, but is not limited to ~~;~~, cups, bowls, plates, or clamshell containers that are provided by a food vendor for takeout foods and beverages and/or leftovers from partially consumed meals.

~~[(1) Service ware for takeout foods and/or leftovers from partially consumed meals prepared by a food vendor; and~~

~~(2) Containers that are intended for single use, such as cups; bowls; plates; trays; cartons; or containers that are hinged, lidded, or clamshell.]~~

For the purpose of this article, "disposable food service ware" excludes straws, cup lids, utensils, ~~[and]~~ food-related bags and wrappers, packaging for unprepared food, and pre-packaged or pre-sealed items such as bread, cookies, milk, juice, snacks, candy, nuts, fruits, vegetables, or other items typically sold in a grocery store or a food manufacturer's retail location."

"Prepared food" means food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared for consumption by a retail consumer on the premises of a retail food establishment, including, but not limited to, beverages, ready to eat, and takeout food. "Prepared food" does not include raw~~;~~; eggs; butchered meats;; fish; and/or poultry unless provided for consumption without further food preparation or heating. For example, sashimi and poke shall be considered to be prepared food. This also does not include pre-packaged or pre-sealed items such as breads, cookies, milk, juice, snacks, candy, nuts, fruits, vegetables, or other items typically sold in a grocery store or a food manufacturer's retail location."

““Recyclables” means material that has reached the end of its current use and [is] may be processed into material utilized in the production of new products. [~~For the purpose of this article, recyclable materials will include only those types of plastic being accepted in the Hawai‘i County Recycling program.~~]”

SECTION 3. Chapter 20, article 6, division 2, section 20-66, of the Hawai‘i County Code 1983 (2016 Edition, as amended), is amended by amending subsection (a) to read as follows:

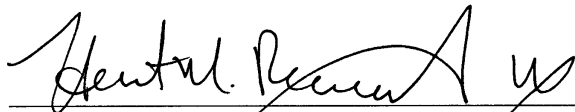
- “(a) The following are exempt from the provisions of this article:
- (1) Foods packaged outside the limits of the County of Hawai‘i;
 - (2) Coolers and ice chests that are intended for reuse; and
 - (3) Packaging for raw: meat[~~fish~~]; poultry; seafood; and eggs that have not been further processed.”

SECTION 4. Material to be repealed is bracketed and stricken. New material is underscored. In printing this ordinance, the brackets, bracketed and stricken material, and underscoring need not be included.

SECTION 5. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 6. This ordinance shall take effect upon approval.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAI‘I

 Hilo , Hawai‘i
Date of Introduction: June 19, 2019
Date of 1st Reading: June 19, 2019
Date of 2nd Reading: July 9, 2019
Effective Date: July 19, 2019

REFERENCE Comm. 301.4

OFFICE OF THE COUNTY CLERK
 County of Hawai'i
 Hilo, Hawai'i

COUNTY CLERK
 COUNTY OF HAWAII

2019 JUL 19 PM 3: 28

(Draft 2)

Introduced By: Herbert M. "Tim" Richards, III
 Date Introduced: June 19, 2019
 First Reading: June 19, 2019
 Published: June 29, 2019

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Kaneali'i-Kleinfelder	X			
Kierkiewicz	X			
Lee Loy	X			
Poindexter	X			
Richards	X			
Villegas	X			
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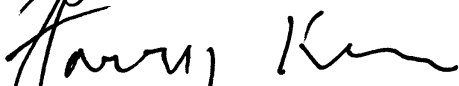
REMARKS: _____


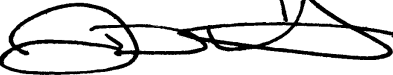
Second Reading: July 9, 2019
 To Mayor: July 17, 2019
 Returned: July 19, 2019
 Effective: July 19, 2019
 Published: July 27, 2019

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung			X	
David	X			
Eoff	X			
Kaneali'i-Kleinfelder	X			
Kierkiewicz	X			
Lee Loy	X			
Poindexter	X			
Richards	X			
Villegas	X			
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REMARKS: _____

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

Approved/Disapproved this 19th day
 of July, 2019

 MAYOR, COUNTY OF HAWAII


 COUNCIL CHAIRPERSON

 COUNTY CLERK

Bill No.: 74 (Draft 2)
 Reference: C-301.4/AWEEMC-6
 Ord No.: 19 85