

**INFRASTRUCTURE AND ENVIRONMENTAL
MANAGEMENT COMMITTEE**
Council of the County of Maui

M I N U T E S

Council Chamber

November 17, 2014

CONVENE: 1:36 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Elle Cochran, Chair
Councilmember Robert Carroll
Councilmember Donald G. Couch, Jr.
Councilmember Don S. Guzman
Councilmember Mike White (out 3:44 p.m.)

NON-VOTING MEMBERS

Councilmember Gladys C. Baisa (out 2:00 p.m.)
Councilmember Michael P. Victorino (in 1:51 p.m.)

EXCUSED: Councilmember Stacy Crivello, Vice-Chair
Councilmember G. Riki Hokama

STAFF: Jordan Molina, Legislative Analyst
Raynette Yap, Committee Secretary

Dawn Lono, Council Aide, Hana Council Office (via telephone
conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone
conference bridge)

Ella Alcon, Council Aide, Molokai Council Office (via telephone
conference bridge)

ADMIN.: Kyle Ginoza, Director, Department of Environmental Management
Richelle Thomson, Deputy Corporation Counsel, Department of the
Corporation Counsel

OTHERS: Rosemary Robbins
Dana-lee Pagan, General Manager, Da Kitchen Restaurants
Malia Cahill, Executive Director, Maui Huliau Foundation
Christopher Lewis, Owner, Local Boys Shave Ice
Marilyn Jorgensen, Owner, CJ's Deli and Diner
Angela Tay, Owner, China Bowl Asian Cuisine
Bob Gutierrez, Times Supermarket

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Bernard Paet, Owner, Bentos and Banquets, Cupie's Drive In
Marjorie Bonar
Kelly Montenero, Conservation Outreach Coordinator, Pacific Whale
Foundation
Cheryl King, Vice President and Maui Research Coordinator, Hawaii
Wildlife Fund
Danny Macias
Nelson Okumura, President, VIP Foodservice
Robert Kline, Senior Sales Executive, KYD, Inc.
Stella Yasuda, Maui Sales Executive, KYD, Inc.
Eric Higa, District Manager, Times Supermarket
Rob Parsons
Gretchen Leisenring, Styrophobia, World Centric
Jeremy Kozuki
Pamela Tumpap, President, Maui Chamber of Commerce
Frank Carvalho, Jr., Manager, Mama Ding's Pasteles
Emily Kunz, Owner, Choice Health Bar
Plus (4) others

PRESS: *Akaku Maui Community Television, Inc.*
Melissa Tanji, The Maui News

CHAIR COCHRAN: ...*(gavel)*... Aloha. Will the Infrastructure, Environmental Management Committee please come to order. It is November 17, 2014 and it's around 1:36 in the afternoon. My name is Elle Cochran, the Chair of this Committee. And, Members and also the public, before we begin, please silence or turn off your cell phones and any other making, noise-making devices. And let me introduce the Members that are currently with us. Right now we have Vice-Chair of the Council, Mr. Bob Carroll.

COUNCILMEMBER CARROLL: Good afternoon, Chair.

CHAIR COCHRAN: Aloha. And visiting with us it looks like a non-voting Member though but Chair of the Council, Ms. Gladys Baisa.

COUNCILMEMBER BAISA: Good afternoon, Chair.

CHAIR COCHRAN: Aloha, Chair. And Don Couch.

COUNCILMEMBER COUCH: Good afternoon, Chair.

CHAIR COCHRAN: Aloha. Mike White.

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COUNCILMEMBER WHITE: Aloha, Chair.

CHAIR COCHRAN: And Don Guzman.

COUNCILMEMBER GUZMAN: Good afternoon, Chair.

CHAIR COCHRAN: Aloha, Members. Thank you for being here. And shortly we will have Mr. Victorino joining us. From the Administration looks like we have Kyle Ginoza from Department of Environmental Management.

MR. GINOZA: Good afternoon, Chair.

CHAIR COCHRAN: Aloha. And also from Corporation Counsel Richelle Thomson. Aloha. And from our Committee, Staff members, Legislative Analyst Jordan Molina along with Committee Secretary Rayna Yap. Thank you folks for being here. And, Members, before we proceed to public testimony, I would like to note that the Committee is in receipt of a memo dated November 17, 2014, from Councilmember Victorino, transmitting the findings and recommendations of an informal taskforce on polystyrene disposable food containers, and this report as I'm looking around is being distributed now. And right at this point too, we shall also put it on the County's website for everyone to view at www.mauicounty.gov/committees/iem, and the item...and under items of interest link. A number of printed copies are now available at the testimony desk at the front lobby here for anyone in the audience who would care to grab a copy. And at this point, I shall open the floor for testimony, but also I would like, I will be recessing shortly for about 15 minutes, Members, if you need time to review this report and also for the public to just take a look and then carry on with testimony. But as of right now, Council Rules states that the public is willing, should be given the opportunity to testify prior to this recess. So it is ten to...well about 1:40, but at this point is there anyone in the audience...Ms. Rosemary Robbins. Okay. Members, without objections, I shall open the floor for public testimony. It looks like we have Ms. Robbins coming up to the podium.

COUNCIL MEMBERS: No objections.

CHAIR COCHRAN: Thank you. Ms. Robbins.

... BEGIN PUBLIC TESTIMONY ...

MS. ROBBINS: Good afternoon, everybody. Rosemary Robbins, concerned citizen. I'm sorry that we're getting this at this late amount of time. I was down here last week going through, stayed 'til 4:30 on Friday afternoon to go through all the materials that were available then. We need to not have that be a system of waiting for handouts where people don't have the opportunity to

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have gone over them. Anyway, it's good to see everybody. I did come down two days last week and went through a huge binder that was there on the seventh floor, and read the testimonies until closeout time on Friday. And color coded, it seemed as though the people who were against having this ban come in were primarily from the food-serving folks on Maui. And then the people who were in favor of, support of this ban going through far outweighed the numbers of the food folks as of that point on Friday. I would just like to point out that folks who were supporting the ban...went through, we had two foreign countries, South Africa and the following states, Wisconsin, Colorado, Utah, California, Ohio, Florida, Arizona, Pennsylvania, North Carolina, South Carolina, Maryland, and Upstate New York. That seems like a lot of potential people who would be tourists who knew enough to keep up with what's happening on Maui, who also have other vacation opportunities to get to, so we need to be careful about what they're doing on that. I noticed that at a restaurant that I'm known to frequent in Haiku that I looked at their doggy bags if you would but in the hard-form container variety, and right on that box, it identified the triangle with the five in it and then a picture of somebody throwing that into the trashcan because it was biodegradable. I don't know the title of what that is but other people here may be able to say that. But even with people who don't speak English would have an opportunity to take a look at that and say oh, I can throw this away, there's a trashcan, they're already advertising that for us. So and I was with a group of students yesterday and they wanted to know what I thought about that and I asked them what they thought about it, and they said well, you know, this one, but it doesn't stop the salad oil for example or melted butter, popcorn at the movies from leaking out onto your lap. And so they had all of these pros and cons--and these were high school kids--out on that. And I did say that I'm counting on them to come up with yet a category that doesn't exist and that will address the negative aspects of some of the availabilities that we have right now. So count on the future. Just wanted to let you know that in one of the testimonies that was --

MR. MOLINA: Three minutes.

MS. ROBBINS: --in favor of this ban coming...

CHAIR COCHRAN: One minute to conclude.

MS. ROBBINS: Sure. It said and I'm quoting this, "There are even disposal plates made out of sugarcane." I'd be happy to hear more about that. I've never heard of paper plates made out of sugarcane. Okay. Thank you very much.

CHAIR COCHRAN: Thank you, Ms. Robbins. Members, any need for clarification of the testifier? Seeing none, Ms. Robbins, thank you very much.

MS. ROBBINS: You're welcome.

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CHAIR COCHRAN: And for yourself, Ms. Robbins and the public, I just want to clarify that if you are testifying now this, you don't get a second chance after we come back in from recess, so just to clarify that for yourselves. Sorry, I didn't mention it prior to you testifying, but for the other people of the public who are looking to testify now, you only have one time to testify. So any further testifiers before we recess to give some time to look through the taskforce report? Yes, you may approach the podium.

MS. PAGAN: My name is Dana-lee Pagan and I'm currently representing Da Kitchen Restaurants. We are huge supporters of marine life and the environment. We are environmentally friendly, we recycle, we use biodegradable products, and we do our best to be conscious of our environment. We feel that there are other sources and materials that are more harmful than the polystyrene containers such as six-pack rings, bottle caps, fishing lines and nets which can commonly be found in or near the ocean. Banning polystyrene containers would have a huge impact on the local mom-and-pop eateries, many of which already struggle with the high cost of doing business. Passing the ban will cause an economic impact on the restaurant industry which will again be passed on to the consumer. As we have seen with the banning of the plastic bags, the only alternative was a paper or reusable bag. The added cost of using a paper bag does cost businesses and consumers an additional 39 cents per bag. The intent was that the consumers would use their own reusable bag, cutting down on the costs of the use of plastic bags. That theory only lasted a month and now not one single customer brings in their own reusable bag. As a result, the entire industry is consuming more paper bags. This ban just like the last one will add more economical stress to local restaurant owners and could potentially cause more closures of restaurants, many of which all grew up with and have fond memories of. Da Kitchen Restaurants serve over 2,000 meals to local residents and visitors every day. Approximately a third of these meals are served in takeout containers. As you may know Da Kitchen eateries are known for their generous food portions and many customers require takeout containers for their leftovers. Our Kihei location, Da Kitchen Express is a fast-food location which currently only has takeout containers. We care for the environment and we have been proactive trying to find an alternative; unfortunately, there is not a cost-effective and durable container currently available as an alternative. We have diligently tried using the biodegradable, non-plastic takeout boxes, but they were unable to withstand the heat for hot food items and were too flimsy to withstand the weight of heavy food items. After a few minutes, the container begins to break down from the heat and it softens, therefore not a good alternative for liquid and hot food items. These biodegradable containers are not stackable and you cannot pack more than one in a bag. Our question is, should the ban pass, what solutions or alternatives are there for the restaurant industry and what impact will this have on the consumers?

CHAIR COCHRAN: Thank you. Are you through?

MS. PAGAN: Yeah.

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CHAIR COCHRAN: Members, any need for clarification of the testifier? Seeing none, thank you for your testimony.

MS. PAGAN: Thank you.

CHAIR COCHRAN: Anyone else in the gallery? Okay. And then I'll check in with our District Offices.

MS. CAHILL: Hello, County Council members. Thank you for hearing us today. I teach afterschool programs so I thought I would jump in before the recess. My name is Malia Cahill, I work for Maui Huliau Foundation. We're an environmental education nonprofit working with 12 through 18 year olds on Maui. I'm actually here to present the testimony of three students that actually just recently sent me...one of them is on my phone. But just a really quick note about this. I have never seen in five years of teaching, students get so into an issue which is, it kind of took me by surprise a little bit. Part of the reason being that they came across a website called donttakeourplatelunch.com and it made them very upset. But they are currently working on an education campaign for restaurants who wish to switch away from Styrofoam. They're looking into alternatives. They're doing two skits, a brochure, and a webpage, so you will be hearing more from us. But it's not focused on the ban specifically, it's focused on education about these products and replacements to them. So I'm going to just try to read these as quickly as I can. The first testimony is from Tierra, she's a 12th grader at Maui High School. As an active member of our community I'm deeply concerned about the future of our island. I am disturbed by the manipulation and misleading information that the American Chemistry Council has imposed on our local businesses with their Don't Take Our Plate Lunch campaign. I have read and researched the facts on this website and I am outraged by how naïve they think we are. The fact that they are trying to advertise that plate lunch cannot be served on anything but Styrofoam is even more upsetting to me, because they know and we know that there are plenty of other eco-friendly alternatives. Also because of the detrimental environmental impacts this product is also affecting our health in ways we are not even aware of. I strongly believe that we no longer, we should no longer sacrifice priceless commodities like our health or home to give companies represented by the American Chemistry Council the power to make profits. The second testimony is from Dylan Falces, he's a freshman at Kamehameha Schools. I also want to say I just received these and I'm reading them now and I'm kind of impressed and also just the different styles they have. Dylan is very into statistics, so here we go. Styrofoam or EPS weighs very little but is extremely bulky. Our dwindling landfills will last longer without it. It does not break down in landfills, and its estimated range is from hundreds to thousands of years. Styrene, a key component in the manufacture of EPS foam was recently added to the US Department of Health and Human Services, National Toxicology Program's report on carcinogens. Styrene residues are found in 100 percent of human fat tissue samples. It enters our body through the air during manufacture, use, or incineration, and food present in agricultural foods, and may leach from cups and plates. Like most plastics EPS foam is made from petroleum, a non-renewable resource that reinforces US dependence on oil-rich countries. Dozens of communities in the

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United States have banned EPS from food service disposables, including Nantucket, Brooklyn, Great Barrington, Summerville, New York City, Albany, Portland, Seattle, and over 60 Californian municipalities. Bear with me, the last one is on my phone. Okay. This testimony is from Kaimana, he is a sophomore at Kamehameha Schools. It's called Why Polystyrene Needs to Go. Recently my eyes have been opened to many new topics that are evolving around our island, one of which is the ban on Styrofoam --

MR. MOLINA: Three minutes.

MS. CAHILL: --or polystyrene --

CHAIR COCHRAN: One minute to conclude.

MS. CAHILL: --items and materials in our island. Many efforts have been made to try and stop the ban by using false persuasion to tell people that if the ban goes through things will disappear such as plate lunches and food establishments; however, I don't think this is really true. Regardless of the ban passing or...not all these luxuries will...or not at all, these luxuries will still be available with just a slight difference in appearance. Polystyrene is the same if not worse than plastic garbage flying and floating in our waters. Styrofoam does not break down like plastic, like other plastics and instead ends up becoming small, even microscopic pollutants that can enter our food chain and cause damage to all of us. I personally think that paying a small fee of 14 cents to switch to more eco-friendly containers and products would be the, would be beneficial. Because what is better honestly, making a pile of cash and harming our small island more and more endangering the future of our island or paying small fees and reducing --

MR. MOLINA: Four minutes.

MS. CAHILL: --the pollution on our island? The answer isn't hard to determine. We can make a change. Thank you.

CHAIR COCHRAN: Thank you. Members, any need for clarification on the testimonies? Seeing none, thank you very much for your time.

MS. CAHILL: Thank you.

CHAIR COCHRAN: And I...thank you. And I'd like to acknowledge the presence of Mr. Victorino. Thank you for being here, sir.

COUNCILMEMBER VICTORINO: Good afternoon, Chair.

CHAIR COCHRAN: And let me check into our District Offices. Hana, Ms. Lono, are you there?

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MS. LONO: Yes, good afternoon, Chair. This is Dawn Lono at the Hana Office, and there is no one waiting to testify.

CHAIR COCHRAN: Thank you, Ms. Lono. And on Lanai, Ms. Fernandez, are you there?

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai, and there is no one waiting to testify.

CHAIR COCHRAN: Thank you. And on Molokai, Ms. Alcon, are you there?

MS. ALCON: Good afternoon, Chair. This is Ella Alcon on Molokai, and there is no one here waiting to testify.

CHAIR COCHRAN: Thank you, ladies. I just want to check in and make sure that you heard me earlier in regards to taking a brief recess and then reconvening to allow the community and also the Members to look through the task force report and then coming back with testimony. Are you folks clear on that? Ms. Lono in Hana? Or Ms. Alcon?

MS. ALCON: Yes, I got that clear.

CHAIR COCHRAN: Thank you very much. Ms. Fernandez, Lanai?

MS. FERNANDEZ: Yes, I understand. Thank you.

CHAIR COCHRAN: Thank you. And Ms. Lono in Hana?

MS. LONO: Yes.

CHAIR COCHRAN: Okay. Thank you. Did you...I just wanted to make sure that you were clear on how testimony was being done today. Did you hear me earlier in my opening comments that we would be taking a brief recess in order to have the report, given time for the report to be read by the community and the Members, and then coming back for testimony? Did you hear my opening comments, Ms. Lono?

MS. LONO: Yes, I understand.

CHAIR COCHRAN: Oh, okay. Great. Thank you very much. Okay. And then I'll go back to the Chambers then and see...yes, sir, you have testimony? Okay, you can just come down to the podium.

MR. LEWIS: Hello, Council.

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CHAIR COCHRAN: Just state your name and anybody or anything you're representing, please.

MR. LEWIS: My name is Christopher Lewis. I own and operate Local Boys Shave Ice which has been working on, in Kihei for twelve years and Lahaina for six. And I recently opened Farmacy Health Bar right down the street from you guys. It's a health food restaurant but it's a takeout place. But basically I'm here to kind of refute I guess some of the claims that says that small business can't survive other than with Styrofoam, because I'm sort of living proof of that. I ran with shave...Styrofoam containers for my shave ice for almost seven or eight years, and being an island boy I always felt guilty about it but it was the cheapest and it was the most durable and it kept the ice kind of the right texture for the longest. And for a long time, I couldn't figure out a better product, and it seemed like things were way more expensive, because a lot of the companies out there are trying to make a quick buck on guys like me that want to do the right thing. There's even a thing called green washing where people sell a product which is not green as if it was and charge you a lot more for it. But anyhow, long story short, I did end up finding some people that could help me get a product which worked better or just as good for my shave ice, all of my shops which have now gone green. And we've been that for almost a little over a year now. What I, we've done to...the price change was pennies. It was basically 2 cents more for a cup, and I ended up charging 25 cents more for my product, so I'm actually making a considerable amount more for each cup I sell. And the response I get from my customers and from the people was overwhelming. You know a lot of times they look at it right away and they see a brown cup and they don't know, but you mention to them what it is about or have a little sign up that says what side you stand on, and they will throw money at you. You know and a lot of people just come to me and won't go to any other shave ice place because of that fact alone, and whether they like my product better I don't know, but they like the fact that it's not ruining the island that they love so much. And, you know, we all have children and I have children and I want them to be able to surf Honolua Bay and be able to live out here for a long time and in a beautiful place. And we all know that this stuff won't go away. It's like, you know, it's gonna, the dinosaurs might come back before it goes away. So it's sort of irresponsible for us I believe to create or to use anything that lasts longer than our lifetimes, you know, sort of too big of us to think that. Like once we're gone the stuff we made should be gone, too. So I think that, you know, if we start, stand behind this and go green we're going to make news and people are going to notice that we can do it and they're going to follow behind us starting with the islands and then the mainland. And there's a lot of products that can be used like cane, corn, hemp, all kinds of stuff that can be used. The cup that I use is not only biodegradable but it's compostable meaning you don't have to recycle it, you can throw it --

MR. MOLINA: Three minutes.

MR. LEWIS: --on the ground and it'll be gone --

CHAIR COCHRAN: One minute to conclude.

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MR. LEWIS: --within 90 days. So or you could plant a tree in it if you like, you know what I mean? And so, you know, people really, and people really like that. And my businesses have grown if anything since my switching away from Styrofoam. And I feel good about it, I feel like I'm, I can sleep good at night. And I really think that's what we all gotta do is the right thing, 'cause it's sort of one of those things where yeah, it's easy to throw it in a Styrofoam and know that it's going to be good, but we're smart, people are smart and we can find another way to do something good, you know. And really what drives the products is the people who buy, so if we the purchasers --

MR. MOLINA: Four minutes.

MR. LEWIS: --request and that need something better --

CHAIR COCHRAN: Thank you. One concluding statement, please.

MR. LEWIS: --then it will be provided for us. Thank you for hearing me. I appreciate you. I'll go back to work. And sorry I'm not dressed properly.

CHAIR COCHRAN: Thank you for your time. Oh, wait. Hang on. I think, Mr. Couch, you have a question?

COUNCILMEMBER COUCH: Thank you, Chair. And thank you, Mr. Lewis, for being here and for your testimony. Very passionate. Thank you. Just wanted to get a clarification. Do you serve hot food in these containers now?

MR. LEWIS: Absolutely, yeah. We serve hot soup down at the Farmacy, quinoa hot soup, kale salad, tofu, feta cheese. We serve...it's a pitch, sorry. No, that's pretty much the only...sandwiches and soup and salad. Soup is really hot and very liquid though, so really the product that we use is made from cane, sugarcane, it's very strong. It's durable.

COUNCILMEMBER COUCH: Okay, thank you.

MR. LEWIS: Yeah. Mahalo.

CHAIR COCHRAN: Thank you, Mr. Lewis. Any further need for clarification of our testifier? Seeing none, thank you for your time.

MR. LEWIS: Thank you.

CHAIR COCHRAN: Anyone else in the gallery wishing to testify at this time? Otherwise, I shall, we shall take a 15-minute. Is that enough, Members? Fifteen-minute recess and then reconvene to continue our testimony. So let's just call it two o'clock. So at 2:15 then we shall return. We are

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now in...hang on. Before we do let me just acknowledge that Vice-Chair of the Committee Crivello is excused and also Riki Hokama is excused. And now we'll go into recess for 15 minutes. We're in recess. . . .(gavel). . .

RECESS: 2:00 p.m.

RECONVENE: 2:20 p.m.

CHAIR COCHRAN: . . .(gavel). . . Will the Infrastructure, Environmental Management Committee please reconvene. Thank you, Members and also the public for that recess, and hopefully we all got to look through the report and get a better understanding. The floor is now reopened for public testimony. And, Jordan, we have some people signed up for testimony?

MR. MOLINA: The next testifier signed up to testify is Marilyn Jorgensen, and she will be followed by Angela Tay.

MS. JORGENSEN: Hi, my name is Marilyn Jorgensen. My husband and I are the owners of CJ's Deli and Diner, a restaurant in the Fairway Shops in Kaanapali. We've lived on Maui for 16 years and we've had our restaurant for about 12 years. I'm, I just want to say that my stance is against the foam ban. I read the task force report and I agree plastic is a problem on this island. There are several things we can do before we do a ban. I live in Lahaina and there is absolutely nowhere to recycle shampoo bottles, milk gallon containers, newspapers, glasses from wine bottles, spaghetti sauce. Makawao has a beautiful center right near Kalama Intermediate, as well as the one in Kahului near the Maui Arts and Cultural Center. And I think oh my gosh, all this stuff is going into the dump when it could be going into recycling centers. I'd really like to focus on that. As well as another thing in the task force that I found interesting, it said that numeral coastal communities have implemented this ban without realizing any adverse efforts. Maui is unique, our costs and our life here is different than anywhere on the mainland. It's very hard to compare them. I thought I'd do a little bit of a reality check. First of all, I'm not a greedy person. We are not rolling in the cash, we are struggling to pay our bills as are many other restaurants. When we opened in 2003, my Maui Electric bill averaged around \$2,600 a month. This year in 2013 [sic] it averaged between 6,000 to \$7,000 a month. That is huge. My HMAA bill--this really scares me--was around \$900 a month. Last month I cut a check for \$4,400, and I just received a letter stating that premiums for each employee are going up \$400 a month starting December 1st, as well as the Affordable Care Act surcharge of \$11 per person. And that's going to continue to go up. My gas company bill was \$1,600 in 2003, now it's \$3,200, and that's with getting a new oven which I thought would reduce consumption but unfortunately it hasn't. I can only charge so much more for a Reuben or a loco moco or mochiko chicken. I mean as it is, very few locals are coming in anymore. There's no construction jobs, construction guys don't come in. I see 'em in town, I say why aren't you coming in, what's wrong? Oh, we love your food, we can't afford it. Timeshare has changed the dynamics of this island. People are stopping at Costco, they're stopping at Safeway. Elle's own husband Wayno sends me plenty of people from

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his surf shop. He's like, Marilyn, I try and they say we're not going out to eat, we're not doing activities, this is our fourth time, this is our fifth time to Maui, we are just going to eat in the kitchen. So, you know, I go and see him and he tries, he really does. There's been a lot of...

MR. MOLINA: Three minutes.

CHAIR COCHRAN: One minute to conclude, Marilyn. Thank you.

MS. JORGENSEN: Okay. There's been a lot of closures, too. Carla Tracy writes a restaurant article every Thursday, about a month ago she talked about all the closures. I don't want to be on her Thursday article saying our restaurant closed, and neither did the restaurants that did, Amasia, Waterfront, Stella Blues, Moose McGillycuddy's, Kahana Grill, RB Kahana, Basil Tomato. No one in this room wants to have their restaurant closed. We also want to do the right thing for the environment. Anyone is welcome to come to our restaurant and talk to customers. They are not willing to take on an added expense for something different. I had someone yell at me the other day because our fish tacos are \$12 and he was going on and on, and I tried to explain to him what it's like to run a business on Maui.

MR. MOLINA: Four minutes.

MS. JORGENSEN: By the end of the conversation, he actually said I feel sorry for you.

CHAIR COCHRAN: Marilyn, one closing comment.

MS. JORGENSEN: Okay. I would love to meet with any Council member, any questions. I'd love to come up with a solution for this. I want to survive, so do all the other restaurants. So I'm asking for your help. Please do not add any more expenses or burdens to our business. Thank you.

CHAIR COCHRAN: And thank you. Members, any need for clarification from our testifier? Seeing none, thank you for being here. Next, Jordan.

MR. MOLINA: The next testifier is Angela Tay, and she will be followed by Bob Gutierrez.

MS. TAY: Hello. My name's Angela Tay, and we own a business called China Bowl Asian Cuisine, the Fairway Shops, same as Marilyn. And we are open there almost eight years. Just like her say that we have the same situation, the price goes up, up. We go Costco, the years, four years, five years, shopping with Ken, buy lots of stuff and the bill just like 300-400 is maximum. Now is we go buy like a 800-900, just like some, most it double price, because I don't know about the detail, the price, and . . .(inaudible). . . limited. And then we like agree and the plastic go to paper bag, everybody loved it, and even the tourist say they are happy to see that. Oh yeah, Maui is good and no plastic, yes, it's good for everybody, for environment. And we are...and say oh, this is good and this container is not good for environment and the other was good. Just

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consider about the price and we all small business, we work very hard. And just hope the price even for the new container and just wish the price can go to reasonable, we can't afford it. If we can afford that price we will be happy to have the new container. And it looks beautiful and also is disposable then the . . .(inaudible). . . And just let people know that. And we are very struggling for the business and hope can consider about our thinking. Thank you.

CHAIR COCHRAN: Thank you, Ms. Tay. Members, any need for clarification from our testifier? Seeing none, thank you. Thank you for your time. Next testifier.

MR. MOLINA: The next testifier is Bob Gutierrez, and he will be followed by Bernard Paet.

MR. GUTIERREZ: Thank you, Chair and Council. My name is Bob Gutierrez and I'm with Times Supermarket. And just wanted to give a couple of thoughts about the impact to business and kind of what we're dealing with as a business here in Maui. Over the last couple of years, we've just gotten regulated about plastic bags as you heard from one of the earlier testifiers, and the idea behind that was to reduce waste in the waste stream. What has happened is most of our customers now are using the paper bag which there's no fee for or anything else, so that's actually at ten times the cost of the plastic bag when we did that issue, and we're incurring that cost and trying to not pass that onto our consumers but kind of absorb it from a business perspective. That can only last for so long, and you get to kind of a breaking point as you've heard from some of the other small businesses that have had increase in costs and what they do as far as day-to-day business is concerned. We have those same impacts, and we have them in a volume basis. So one of the things that we look at as being an alternative to, you know, a ban right now is definitely looking at education and looking at some of the alternatives to, you know, kind of looking at how we bridge the education gap on what to do with our materials and so forth and how we can get to a recycling component as one of the other testifiers mentioned as well. We'd be happy to support a recycling effort in some capacity, whether it be, you know, at store locations or what have you that have been done in other jurisdictions. But one of the things that we need to see is a relief on this cost impact to start with, and start looking at some alternative practices that might get us to our end goals as being environmentally friendly as well as being able to serve our consumers at the best value that we can. Thank you.

CHAIR COCHRAN: Thank you, Mr. Gutierrez. Members, any need for clarification from our testifier? Yes, Mr. White.

COUNCILMEMBER WHITE: Thank you. And thank you for sharing the cost of the paper bag versus the plastic bag. What is the, what's the magnitude of the cost if you were to extend out the number of containers that you use currently that you would have to, the cost that you would have to incur if you were to switch?

MR. GUTIERREZ: Yeah. We've seen anywhere from a 20 to 30 percent increase in cost just for that product alone, for our to-go containers for the hot plate lunches.

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COUNCILMEMBER WHITE: But roughly what is the total dollar amount?

MR. GUTIERREZ: I don't have the total dollar value for you but I can get that information for you if you'd like.

COUNCILMEMBER WHITE: Okay. Thank you. Thank you, Chair.

CHAIR COCHRAN: Thank you, Mr. White. Yes, Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Madam Chair. And thank you, Mr. Gutierrez, for being here. You mentioned that there was an increase in cost, is that for...and I'm looking at Exhibit 3 on the report that Mr. Victorino gave, VIP Foodservice price list. For instance a nine-inch one-compartment polystyrene container is actually slightly more expensive than a plant fiber clamshell container. Is that, have you looked at those prices or?

MR. GUTIERREZ: I have seen that in the report, but one of the things we have to consider from, you know, our side is as far as volume is concerned, not always is the volume accessible to everyone's needs, we're all competing for those same products that aren't as available as the other products that are in the stream already. As a general practice Styrofoam is the lowest cost and is also, you know, the most accessible at this point.

COUNCILMEMBER COUCH: Okay. Thank you, Chair.

CHAIR COCHRAN: Thank you, Mr. Couch. Members, any further discussion? Seeing none, next testifier, please.

MR. MOLINA: The next testifier is Bernard Paet, and he will be followed by Marjorie Bonar.

MR. PAET: Hi, my name is Bernard Paet, owner of Bentos and Banquets and Cupie's Drive In. Madam Chairman, Council, I remember when I opened up in 1991, here in Wailuku, I started my plate lunches at \$4.11. Now I can't keep it under \$9. Every time government agencies or Board of Health bans on plastic bags and Fire Department, every time they step into the restaurant there's a cost of at least \$500. And it's being a local boy I do almost 100 percent local and it keeps going up and it's so hard to survive you know. It's we need help, yeah. We need help from government agency to at least drop some kind of tax or help us when you have this kind of ban, because I don't know how we're going to survive if this keeps up. A two plate lunch now it's like, it's almost \$10, \$11 a plate lunch, and it's across the board throughout all of Kahului, Wailuku. A saimin right now, \$10.75, you know. A saimin before used to be like \$3-\$4 and now it's \$10.75. Plastic bags, we used to buy plastic bags at \$17 per 1,000, now it's \$57 for 500. And you can't even carry it. I get one of my girls to come in and carry it, she can't carry it, I gotta get a man, so I have to hire men now to help carry this bulk items, you know. And some of the bags,

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I go to VIP, they got this new bags. They put one stuff in the bag and it rips, so I carry it together it rips. So now what they're doing? They're putting two, two bags just for couple items and it still rips. So what's the use of changing when the product is not holding up? And how we can, we holding up by keep buying paper bags that cost so much. And look at the trees that we're cutting. I don't know if they're even growing enough trees to survive this paper bag crisis, you know. I've been in business for 23 years and it's been harder and harder and harder to survive. I don't know how these local companies gonna stay open. We need help. You keep putting more bans on it --

MR. MOLINA: Three minutes.

CHAIR COCHRAN: One minute to conclude.

MR. PAET: --I'm going to have to charge another 25 cents. Another 25 cents on my plate lunch. And, you know, we serve thousands of plate lunches. Yeah. The catering side is not too bad because we can feed on paper plates but still there's forks and all that. But if you ban this Styrofoam and this plastic, I don't know. Thank you.

CHAIR COCHRAN: Thank you for your time. Members, any need for clarification from our testifier? Seeing none, thank you for your time.

MR. MOLINA: The next testifier is Marjorie Bonar, and she will be followed by Kelly Montenero.

MS. BONAR: Good afternoon, Committee. I would love to address so much that's been said here. I'm staying to my script which was addressing this report. Because before we look at a ban, before we look at any bill, we need to write one. So the report of the working group for the single-use plastic bill...

CHAIR COCHRAN: Wait. Real quick, your name, please.

MS. BONAR: Oh, I thought I did. Marjorie Bonar, and I am here strictly as a private citizen. This is not the definitive recommendation we had hoped to produce. It reflects a very flawed process. Originally limited to an invited group of participants with the task of aiding in the creation of a bill to reduce or eliminate the amount of environmentally damaging single-use plastic food service containers, it was subverted into a discussion of the need for a bill. The inclusion of industry representatives while denying the addition of other residents created an atmosphere where no consensus was possible on any further action. At the original committee presentation, the Chamber of Commerce representative was tasked with collecting information from members as a way of assessing impacts. The task force never saw such a survey but a number of very similar solicited letters were sent to your Committee. We became aware of the activities of trade representatives through the dissemination of posters bearing American Chemistry Council sponsored requests to talk to your city council to save our plate lunch and the aforementioned

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letters written on the same yellow legal pads. The meetings were largely ineffective. The result anticipated by those who received letters of invitation was to produce a solid, solid working document which could be the basis for the Office of Corporation Counsel to finalize a bill for submission. Being the working group as a whole failed in this endeavor, a subgroup of environmentally concerned members proffer the attached document which you've all been disseminated I believe. I brought them to the desk. While incomplete, it's much closer to what we believe a responsible ordinance should contain for the benefit of our island and fellow citizens. Please carefully consider the substance of our revised document--typos, formatting, and alignment errors exempted, I don't keyboard well and I know it all has to be revised anyway--as a viable alternative to the working group report. The people involved with this creation are available to edit, refine, and incorporate changes recommended by the IEM Committee. We stand ready to provide any additional materials you feel necessary to make an informed decision. On behalf of myself and the other signators on Exhibit 6, Marjorie Bonar.

CHAIR COCHRAN: Thank you, Ms. Bonar. Members, any need for clarification from our testifier? Seeing none, thank you, Ms. Bonar. Next testifier.

MR. MOLINA: The next testifier is Kelly Montenero, and she will be followed by Cheryl King.

MS. MONTENERO: Hello. My name is Kelly Montenero and I represent the Pacific Whale Foundation, and I'm in the conservation department at the Pacific Whale Foundation. And Lauren Campbell is my colleague and she was a member of the task force as well. And she's actually at the Ipu Kukui Fellowship so she's unable to be here. As we know polystyrene is an unsustainable and irresponsible choice for food containers as it persists in the environment for hundreds of years, pollutes our island and ocean, and is unhealthy for people. Styrene and benzene containers or foam containers leaches into the food and has been found in the fat tissue of 100 percent of Americans tested in a study by the EPA. It's a known carcinogen, and to me, though it is...

COUNCILMEMBER CARROLL: Please address the Chair.

MS. MONTENERO: Oh, sorry. Though it is great to consider other environmental issues and other environmental initiatives, it doesn't really seem like a tradeoff to talk about polystyrene and then talk about other things that we can recycle in that we know that it does have these health impacts. So there's many other cities and counties that have banned the use of polystyrene food containers, places like New York, San Francisco, and Miami Beach. At Pacific Whale Foundation we've been looking into alternatives to polystyrene food containers, and we've been speaking to food providers in Maui County that use these alternatives already. So in just three days, kind of short notice, we collected more than 26 letters of support for the proposed ban from businesses that already use alternatives to polystyrene food containers. These letters have already been submitted, are submitted to the County Council as testimony. We've already identified more than 30 businesses that already also use compostable food containers and

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alternatives to polystyrene, but these were people that weren't necessarily able to submit their own letter of support due to inability to contact the owner in the short time that we were able to conduct this research, again, just like three days. Some things that we found while doing this research is that both big chains like Subway as well as small businesses like Prison Street Pizza chose to serve their customers food in alternatives containers to polystyrene. We plan to continue this research on takeout food container choices in the coming weeks. We've also collected signatures from residents in Maui County in support of the proposed ban. These have already been submitted to the Council as testimony for review. Just some comments that we received from proprietors and businesses. During this short three-day period of just talking to people were that this ban should have been passed along with the plastic bag ban. That we need to stop throwing out these containers, these polystyrene food containers, and the idea that if everyone ordered these alternative compostable containers that it would make it more accessible. One last comment is that as Pacific Whale Foundation isn't a member of the...or is a member of the Chamber of Commerce...

MR. MOLINA: Three minutes.

CHAIR COCHRAN: One minute to conclude.

MS. MONTENERO: Thank you. We weren't actually consulted to be represented by the Chamber of Commerce. That's all. Thank you so much for considering this important step in making responsible choices for our aina, people, and oceans. Thank you.

CHAIR COCHRAN: Thank you for your time. Members, any need for clarification of the testifier? Seeing none, thank you again. Will you be submitting those letters? Or they already have?

MS. MONTENERO: Yes. We've already submitted them as of Friday, but --

CHAIR COCHRAN: Okay.

MS. MONTENERO: --like I said we continue to collect them.

CHAIR COCHRAN: Okay.

MS. MONTENERO: So we'll submit them as we get them.

CHAIR COCHRAN: Thank you. Thank you very much.

MR. MOLINA: The next testifier is Cheryl King, and she will be followed by Danny Macias.

MS. KING: Aloha, everyone. My name is Cheryl King. I'm with Hawaii Wildlife Fund, vice president and Maui research coordinator. And I focus on as many of you know turtles and trash, so this is

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a really intense concept for us because we pick up thousands and thousands and thousands of pieces of trash every year. And it's really depressing to look at the state of our beaches and watch people still at this day and age when everyone should know that you shouldn't throw trash on the ground regardless what it is, if it's going to decompose or not. But people are still doing it and it, it's just, it's very disheartening. I believe we are making some progress but we still have a long way to go. So for this particular topic we really think that Styrofoam is just a bad deal for so many reasons, for health reasons, and I'm not, that's not my specialty so I can't go into that. But I do know what we do pick up is a lot of pieces of Styrofoam. So we fully support this bill that will eliminate polystyrene disposable food containers for all these reasons. Mostly for their environmental impact, and that's what we see every day. We conduct monthly beach cleanups at Kaehu near Paukukalo, we've been doing this for years. We have a lot of data to show that we pick up a lot of trash, and it comes from all over Hawaii as well as the Pacific, everywhere. But this stuff doesn't break down, that's the problem, it just gets smaller. And we also do a study that shows that animals are eating this stuff. So if animals eat it obviously that has obvious negative health effects to them, and also if the fish eat the trash and the people eat the fish, those toxins are directly, they go with it. So it's almost like people are eating trash now, and that's a really depressing concept that is really gaining more light lately. So more to come on that later. But we understand that to-go containers are a necessary evil in today's society, we know that. We're a throwaway society, that's kind of the way it is. But there are businesses that are making the right choices and that's so heartening, and we do support those businesses. And ones that don't, I will not go to a restaurant that has a, has served things in Styrofoam, I won't do it. I know, I feel so guilty when I see one of my friends getting a Styrofoam container. It's just like it just kills me. It's just, it's the epitome of things that are negative towards our environment. And we can change, we can change that. I love supporting businesses that do make the right choices. So and I feel like a lot of people think that way. And there's so many other cities around the world that have been doing this. And it's just something we can do so easily to help our environment. So I encourage you guys to think that way, but I understand it's a very complex issue. So thank you very much for your time and let me know if you have any questions.

CHAIR COCHRAN: Thank you, Cheryl. Members, any need for clarification from our testifier? Seeing none, thank you, Ms. King, for being here.

MS. KING: Actually I forgot one thing. Sorry. I do have some data from the Malama Maui Nui from the items of, that...it's called Get the Drift and Bag It. All of the items are collected by beach cleanups and counted, and so I do have some data on that. And it's all the different categories for Styrofoam --

CHAIR COCHRAN: Okay.

MS. KING: --and, you know.

CHAIR COCHRAN: All right. And are you willing to submit that --

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MS. KING: Yeah, yeah. Yeah.

CHAIR COCHRAN: --to the Council? Okay.

MS. KING: Yeah.

CHAIR COCHRAN: Yeah, please. Thank you.

MS. KING: Thank you.

MR. MOLINA: The next testifier is Danny Macias, and he will be followed by Nelson Okumura.

MR. MACIAS: Good afternoon, Council.

CHAIR COCHRAN: Aloha.

MR. MACIAS: Good afternoon, fellow residents of Maui. My name is Danny Macias, representing myself. Expanded polystyrene made from nonrenewable petroleum has been sold to the public because it is durable. So durable that it may persist for 500 years as tiny, light-weight particles in our landfills and eventually our oceans. Expanded polystyrene made from petroleum has been sold to the public because it is light weight, so light weight that when it washes back to the ocean from landfills it floats on the surface for sea animals and birds to eat. Expanded polystyrene made from petroleum has been sold to the public because it keeps hot food hot and hot drink hot. The heat actually breaks the expanded polystyrene down to release styrene, a known neurotoxin. Expanded polystyrene made from petroleum has been sold to the public because...oh, pardon me, because it costs less. Price is not the same thing as cost. When you factor in the manufacturing of expanded polystyrene, second only to aluminum manufacturing in environmental impact, when you factor in the persistent expanded polystyrene which is toxic when burned, when you factor in the impact to our oceans, its life, and our health, both in styrene released from hot food and drink and the contaminated sea life that sustains us, we see that cost is not the same thing as price. Maui is unique. One thing that's unique is that we don't have recycling available for expanded polystyrene which is expensive to recycle due to hygienic reasons, it used to contain food. Another thing that's unique is our proximity to precious sea life. If I have time I'll read a tweet at the very end. I wish to close with a message to food retailers and restaurant owners. Please read about expanded polystyrene and how it reacts to hot liquid and food. Consider the leaching and styrene when contemplating costs of renewable alternatives to expanded polystyrene as well as the true cost of expanded polystyrene. Please bear with me just a moment, I'm going to find that tweet. I apologize. Basically over the weekend, someone tweeted that a whale just washed ashore with 37 pounds of plastic that it had consumed. We don't know the cause of why the whale washed ashore but I just wanted to let you know that it's a huge issue. And I thank you for your time.

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CHAIR COCHRAN: Thank you for your time. Members, any need for clarification from our testifier?
Seeing none, thank you.

MR. MOLINA: The next testifier is Nelson Okumura, and he will be followed by Robert Kline.

MR. OKUMURA: Good afternoon, Council members. My name is Nelson Okumura, I am president of VIP Foodservice. I also served on the task force. I would like to commend Councilmember Mike Victorino for organizing and chairing the task force. I'm grateful for the opportunity to have served, and I learned that the real issue in protecting our marine environment is to identify that litter and marine debris is the problem that Maui needs to solve. This was the real win of the task force and one of the only items that achieved a clear consensus. I received a copy of the task force report dated October 31st on Wednesday, November the 12th. The task force report recommendations does not reflect the consensus of the members. The report makes it appear as if members agree that ban should be the end result of the process. Banning polystyrene does not achieve the goal of the ordinance which is to protect the marine environments from the hazards of plastic litter. The ban is a distraction from the real work needed to find solutions to reduce litter from getting into the ocean. The ban is a lose-lose proposition. It will not address litter in the marine environment and it increases the cost of doing business. The Council should look at alternatives that help solve the real problem. Spending time on debating a ban only delays progress on reducing litter in the marine environment. Thank you very much.

CHAIR COCHRAN: Thank you. And, Mr. Couch, you have questions?

COUNCILMEMBER COUCH: Thank you, Madam Chair. And thank you, Mr. Okumura, for being here. You mentioned a report, October 31st. Do we...I couldn't find that in our binder. The one we have is November 17th.

MR. OKUMURA: The one that got e-mailed to me, a memo to Elle Cochran from Mike Victorino, subject, task force on polystyrene disposable food service containers is dated October 31st right at the top of the page.

COUNCILMEMBER COUCH: Could we get a copy of that, Madam Chair?

MR. MOLINA: Madam Chair?

CHAIR COCHRAN: Go ahead, Mr. Molina.

MR. MOLINA: That was a draft copy that was distributed to members of the task force for comment prior to the submittal of the final report --

COUNCILMEMBER COUCH: Oh, okay.

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MR. MOLINA: --which is before the Committee.

COUNCILMEMBER COUCH: Okay, thanks. 'Cause...

MR. MOLINA: The November 17th is the final version being transmitted by Member Victorino.

COUNCILMEMBER COUCH: Okay. 'Cause it sounded like some things he said there weren't in here, so I'm just a little concerned about that. The other question I had, if I may, Madam Chair, can we discuss a little bit about this pricelist since it's his company that came up with this pricelist? I have couple questions on it.

MR. OKUMURA: Okay, so if you look...

COUNCILMEMBER COUCH: Well, wait. If it's all right with...

MR. OKUMURA: Okay.

CHAIR COCHRAN: Sure.

COUNCILMEMBER COUCH: Okay, thank you. I wanted to check, if you look at a couple of these things, I'd like to know what you sell, I mean if you could tell, what you sell a lot of. You have an 8-inch, 3-compartment polystyrene which is 13 cent...14 cents each, and a plant fiber one is 27 cents each, but then if you go down to the 9-inch 3-compartment the, actually the polystyrene is more expensive at 32 cents each as opposed to 27 cents...or 29 cents for the plant fiber. Can you tell us...

MR. OKUMURA: Okay. So there are...on that more expensive polystyrene if you can see it, it says double laminate, so there are different grades of polystyrene. So the, a person like Cupie's, they would use for example the lower priced one, it's just no laminate. The double laminate is the high end, laminated on both sides for rigidity, so it's the Cadillac polystyrene product.

COUNCILMEMBER COUCH: Oh, that's the DL? When you see DL on there?

MR. OKUMURA: Yeah, yeah.

COUNCILMEMBER COUCH: Oh, okay. All right. That's why I just wanted to kind of figure out. It looked like things, polystyrene was a little bit more expensive but only in the 9-inch size or --

MR. OKUMURA: Yeah.

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COUNCILMEMBER COUCH: --or the 6-inch size. And I was just curious, of the 9-inch versus the 8-inch 3-compartments, how much of those do you sell? Do you know?

MR. OKUMURA: Not off the top of my head, but as also reported in here, it's attached, we actually sell right now more non-polystyrene products. You know the industry has, is changing on their own. Like Mr. Lewis, he changed on his own, so a lot of our clients have done that already. So, you know, my point is we don't need a law. You know businesses, we have too much laws already that costing us money, so this change is occurring on its own already.

COUNCILMEMBER COUCH: Okay. Thank you, Chair.

CHAIR COCHRAN: Thank you, Mr. Couch. Members, any need for clarification from our testifier? Seeing none, thank you, Mr. Okumura, for your time.

MR. MOLINA: The next testifier is Robert Kline, he will be followed by Stella Yasuda.

MR. KLINE: Hello --

CHAIR COCHRAN: Aloha.

MR. KLINE: --Madam Chair and all the participants here. My name is Robert Kline and I'm the senior, a senior sales rep from KYD in Honolulu. We're a locally owned, family owned business started back in the '40s. Been in a couple different, gone through a couple metamorphoses, and in the '90s they made a multimillion dollar investment in polystyrene expanding equipment and the machines to make the stuff. We currently employ about 100 employees in our facility, and we pay a lot of local taxes and have a big payroll on that. A major...so we make a lot of the packaging you see, both expanded and non-expanded polystyrene, and we also supply containers to food processors, food establishments, supermarkets, hotels, hospitals, and other major institutions throughout the State. A ban or restriction of any type of food-grade, FDA-approved EPS food containers is a mandate to businesses and consumers for the use of alternative products that are not a good replacement product. Alternative products in comparison to food-grade, FDA-approved EPS containers are more costly. They're not, they don't hold up well the local food. Which, you know, a lot of people are working multiple jobs, they pick up food, take it home to their kids, it's in the car, it's 30 minutes, 45 minutes, and the polystyrene doesn't deteriorate in that time whereas a lot of the compostable ones will. And also because we're producing it locally, we bring in the plastic and it's one small, one container of the styrene, polystyrene makes nine containers of the finished product; therefore, we're saving nine containers of transportation which contributes to a local, to a lower carbon footprint. Now our plant is in Kalihi. It has, we have a whole rooftop of photovoltaic, so we're very, try to be very contentious. All the products inside are recycled, none of it goes into the trash. In order to provide optimum value to our environment, alternative products will require Maui's investment for a commercial industrial composting facility; otherwise, it goes to the landfill like all the other

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consumer trash. I think you guys are proposing or have a process where you're going to be adding a waste-to-energy, that will help control because it goes in controlled trucks to a controlled environment rather than it be into an open landfill. It should be understood that KYD also distributes alternative products to customers who want to use it and who can afford to pay for the additional cost or pass it on to the consumers. We support the right of businesses and consumers to choose the type of FDA containers they desire and the willingness to pay for such products based on their personal beliefs and lifestyles. Now as a rep and if somebody's looking at something new, I show them all the alternatives and if they can use, you know, if the compostable will work for them they'll make that choice, but a lot of times it doesn't work. It doesn't seal well, it doesn't keep the product fresh, it doesn't make a long-term presentation. And that's what these people are trying to do, they're trying to make good presentations of the --

MR. MOLINA: Four minutes.

MR. KLINE: --product that they're turning out. So...

CHAIR COCHRAN: Four minutes already? Oh, yeah, sorry. You got one sentence to close.

MR. KLINE: No, that's...I think I got, I've got a red light here so that means I'm...you know, we'd like to urge the consideration of solutions to address inappropriate litter disposal of other things that harm our environment. We respectfully request that the measure be held in Committee. I mean there's a lot of things in the ocean. Somebody brought in a study to the task force that said that they cut open a bird and it was full of bottle caps. Well let's ban bottle caps too.

CHAIR COCHRAN: Thank you. Thank you for your time. Members, any need for clarification from our testifier? Seeing none, thank you.

MR. KLINE: Thank you.

MR. MOLINA: The next testifier is Stella Yasuda, and she will be followed by Eric Higa.

MS. YASUDA: Good afternoon, Chair Cochran and Members of the IEM Committee. My name is Stella Yasuda and I am the sales, Maui sales executive of KYD. Our company is a locally founded, family-run business in Kalihi. Its sister company, Hawaii Foam Products provide jobs to nearly 100 men and women and contribute much to the economy in the form of payroll and taxes. A major portion of our business is the production and distribution of packaging materials all of us see and use every day such as food-grade, expanded polystyrene food containers. We supply these containers to food processors, food establishments, supermarkets, hotels, hospitals, and other major institutions throughout the State. I have been a participating member of the Maui County...Maui member...Maui...I mean I'm sorry, excuse me, Councilmember Victorino's Maui task force regarding the ban on EPS single-food containers that were held in August and September. I appreciate Mr. Victorino's effort in facilitating a challenging situation

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and the Maui task force report which reflects a discussion of the group; however, I would like to have a clarification on the report that was submitted. Upon reviewing the Maui task force report a few days ago, I would like to submit two clarifying addendums to the bottom of Page 3, Item No. 1. Opponents of the prohibition note that styrene, the material used in the manufacturing of polystyrene is a naturally occurring substance found in common foods and beverages, notably, beef, beer, and cinnamon. We would like this to be clarified saying, styrene is a clear, colorless liquid that is a component of materials used to make thousands of everyday products. Styrene occurs naturally in many foods such as cinnamon, beef, coffee beans, peanuts, wheat, oats, strawberries, and peaches. Synthetic styrene is chemically identical to naturally occurring styrene that is manufactured as a chemical building block for materials used to make packaging. Polystyrene is actually a solid polymerized plastic. It is well known that molecules can be moved around and linked to create chemically different compounds. When styrene molecules become linked together as in a polymer, polystyrene is created. Polystyrene is an inert plastic that can be used to make many products, such as FDA-approved, food-grade polystyrene foam used to make disposable plates, cups, and other food service packaging products. We are requesting a clarifying for this product. And the second addendum is request that --

MR. MOLINA: Three minutes.

MS. YASUDA: --Dr. George --

CHAIR COCHRAN: One minute to conclude.

MS. YASUDA: --Cruzan's...may I continue?

CHAIR COCHRAN: One minute to conclude.

MS. YASUDA: Okay. Dr. Cruzan's testimony to the Honolulu City Council on Bill 40, Disposable Food Containers be included as an exhibit to the report. His testimony clarifies about styrene and polystyrene, and states that no government agency considers polystyrene as carcinogenic or imposes health risks. The report was presented to the Maui task form [*sic*] but was mistakenly excluded. So if you'd like to have a copy of this report I have, I think I have about eight of them if you'd like to have copies. As a Maui task force participant, it is clear in my mind that a more robust litter management education initiative and infrastructure support is needed to address the consequences of inappropriate litter. Dispose of all materials that harm our environment. The proposed ban on EPS, food-grade containers is not the solution for reducing landfill litter--

MR. MOLINA: Four minutes.

MS. YASUDA: --or marine debris.

CHAIR COCHRAN: Thank you.

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MS. YASUDA: We respectfully request that this measure be held in Committee. Thank you for this opportunity.

CHAIR COCHRAN: And thank you for your time. Members, any need for clarification of our testifier? Mr. Couch.

COUNCILMEMBER COUCH: Oh, is she giving the copy? I would just like to see a copy of that --

MS. YASUDA: Yeah. I have...

COUNCILMEMBER COUCH: --testimony.

MS. YASUDA: I think I made about eight which should be sufficient.

CHAIR COCHRAN: Okay. Is that your question, Mr. Couch?

COUNCILMEMBER COUCH: Yeah.

CHAIR COCHRAN: Oh, okay. Thank you.

MS. YASUDA: Thank you for your time.

CHAIR COCHRAN: Okay. Seeing no further--yeah--queries, thank you for your time.

MS. YASUDA: Thank you.

MR. MOLINA: The next testifier is Eric Higa, and he will be followed by Rob Parsons.

MR. HIGA: Chair Cochran, Council members. My name is Eric Higa, I represent Times Supermarket, and I'm testifying today in opposition of the proposed bill to ban polystyrene. First of all, I'd like to thank Councilmember Victorino for organizing the task force which I was a part of. I feel being part of the task force was a very important, was very important, and we need to find a balanced solution to keep Maui no ka oi. You know basically sitting on the task force we basically agreed to disagree a lot of time. I think the biggest, I think the consensus, general consensus was and you've heard it testified earlier on numerous occasions that we need to address the recycling issue and we need education. A ban on polystyrene will not address the issue of litter and marine debris as you will simply be replacing one form of litter with another form of litter. If we don't stop people from littering it's still going to end up in the ocean. Instead of a ban we need litter prevention and an education program. From the business perspective, being in the grocery business we work very hard to source product at the best cost so we can pass it on to our consumers. A ban on polystyrene will have a negative effect on cost and

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costs will increase. And it will...and like Bob said earlier in testimony, there is going to be a tipping point. We really got hit hard on the plastic ban, bag ban, and, you know, we're really feeling the effects of it. Oahu is going to go into effect next year and it's just going to amplify our costs, so it's going to be a tipping point somewhere along the line. We also...it was also stated in earlier testimony that people are moving towards or away from polystyrene, so I say we don't need a ban, we just need...the consumers will decide and let them decide. Thank you.

CHAIR COCHRAN: Thank you. Members, any need for clarification from the testifier? Seeing none, thank you for your time.

MR. HIGA: Thank you.

MR. MOLINA: The next testifier is Rob Parsons, and he will be followed by Gretchen Leisenring.

MR. PARSONS: Aloha, Chair, Committee members.

CHAIR COCHRAN: Aloha.

MR. PARSONS: My name is Rob Parsons. I served on the task force in my official capacity as Environmental Coordinator. The Mayor supported my participation in this discussion; however, as we are not considering specific legislation today my comments and recommendations will be as an individual. I have an August 2009 copy of *The Maui News* proclaiming ban on plastic bags passes County Council first reading. Much as today this came despite warnings from the retail industry that this would not be the right path to take for a variety of reasons; however, I think we may all agree that implementation of the partial plastic bag ban in 2011 was the right thing to do, and we were the State leader in passing this bill which helped each us modify our behavior for the betterment of the environment and community, and without undue hardship on businesses. In fact, Mike Molina, the bill's sponsor stated this is a global movement. He said it's time for retailers to put down their swords and work with the community and government. I will agree with the previous testifier that the task force process was somewhat tainted by the presence of paid industry lobbyists, specifically KYD, Inc., Incorporated, Styrofoam manufacturers from Oahu, and by a California representative of the American Chemistry Council, the same group that has been distributing flyers on Oahu and Maui with a misleading message, don't take away our plate lunch. This sort of misinformation unfortunately has led some food service vendors to believe that they could not afford to switch to products that are recyclable, reusable, or compostable. And I did submit a copy of an e-mail that I sent earlier to task force chair Victorino and to Council Services clarifying a number of misinformation statements by the representative from this plastics industry lobbying group to the task force. Yet 100 communities nationwide have made the switch, most recently New York City, which took the unique next step of banning Styrofoam packing peanuts as well. I believe if New York City can pass such forward thinking legislation certainly Maui can as well. In fact, the Maui Island Plan encourages that we take this step. Page 16 of the task force report includes this finding, the Maui Island Plan specifically

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directs the County in 6.1.2, Action 2 to develop regulations, programs, funding opportunities, and/or incentives to discourage slow degradable materials, e.g. Styrofoam. There are a number of compelling reasons to restrict use of these products, and I will be happy to submit a few polystyrene fact sheets for your review. I applaud Councilmember Victorino for his introducing the bill, chairing the task force meetings, and seeking to find an acceptable step or steps forward. I support the revisions made --

MR. MOLINA: Three minutes.

MR. PARSONS: --to the bill by several task force members --

CHAIR COCHRAN: One minute to conclude.

MR. PARSONS: --and ask you to carefully review them and share any questions you may have before we meet again--perhaps next year--to consider taking this vital step forward in striving for a more sustainable future and cleaner island community, and planet. I'd like to leave you with a couple of pertinent quotes I heard last week in Kona at a Hawaii Green Growth meeting. The first is from UN General, Secretary General Ben Ki-moon who said the old model of economic development and growth is a global suicide pact. And secondly, social activist and folk song legend Pete Seeger offered this advice recently shared by one of our Kauai guests at the zero waste panel before this Committee. That quote is if it can't be reduced, reused, repaired, rebuilt, refurbished, resold, recycled, or composted then it should be restricted, redesigned, or removed from production. I have also submitted...

MR. MOLINA: Four minutes.

CHAIR COCHRAN: One minute...one second to conclude.

MR. PARSONS: Yeah, no. My final sentence is just that I have also submitted copies of a statement from the San Francisco Commercial Zero Waste Coordinator in their Department of the Environment which you can read, should be before you now, and basically saying that they have 99.9 percent compliance with their bill. And that even though there's a hardship clause that there had been only a couple requests out of nearly 4,500 restaurants, and that it is cost competitive. So mahalo nui loa for your consideration for the betterment of Maui County and beyond.

CHAIR COCHRAN: Thank you, Mr. Parsons. Members, any need for clarification from our testifier? Seeing none --

MR. PARSONS: Thank you.

CHAIR COCHRAN: --thank you, Mr. Parsons.

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MR. MOLINA: The next testifier is Gretchen Leisenring, and she will be followed by Jeremy Kozuki.

MS. LEISENRING: Aloha, Council. My name is Gretchen Leisenring. I'm testifying on behalf of World Centric and Styrophobia, and also myself. I was a member of the task force and it was pretty amazing. I learned how to sleep with a pounding headache after all of those meetings. It was very frustrating, very sad. I think that there's a common misconception that environmentalists are idealists and, you know, we want to live in this perfect world and we couldn't possibly do all the things that environmentalists want to do, you know, all the legislations we want passed, but that's actually completely untrue. Environmentalists are realists, and we're very tough and we know, that's why we care so much is because we know. I have friends who have sailed through the Great Pacific Garbage Patch. I have friends who pick up these pieces of trash on the beach, polystyrene and polystyrene foam. And, you know, sure there's nets, there's everything, it's trash. They pick it up. My friend who sailed, he sailed all the way through the Great Pacific Garbage Patch. He can't even be sober. He drinks every single day because that's the only way he can get through it. This is not a late subject. Now I prepared something because this is the kind of thing that keeps me up at night, because I have children and I want them to have a future, and I wrote this at like 2:00 in the morning so. I proofread it though, I think it's not too delusional, but this is the kind of stuff that keeps environmentalists up at night. Only in retrospect can we see what decisions have made in our lives have done to create our current reality. Some of us can look back without regrets, sure, but we are all able to look back and connect the dots, which decisions led to what outcomes. There's some people with great foresight who can see the big picture, the world picture past, present, and future simultaneously, but those people are far more rare than those who only see their immediate reality, what is right in front of them. Nowhere in the inception of these throw-away, single-use items was the intention to create trash that would persist in the environment for 10,000 years, relying on non-renewable fossil fuels obtained through war and manipulation that would pollute our land and our ocean to the point of no return. Of course that wasn't what they were made for because that would have been crazy. What kind of people would knowingly do such a terrible thing to the future of their own species? Single-use takeout containers, coffer cups, plastic water bottles, et cetera, were all created to make our lives easier so we could pick up the pace, not pack our lunches at home anymore, carry Thermoses, et cetera, with us. But when they were created, the people doing so did not have the foresight to see what was going to happen in the future. They couldn't see the little bits of plastic and Styrofoam that would eventually wash up on almost every beach on every continent of the globe, being ingested by species on every single level of the food chain.

MR. MOLINA: Three minutes.

MS. LEISENRING: The people who started these companies like KYD were not bad people, they just didn't know what all of this plastic material was going to do to the world, they didn't think about it, but now decades later we have that retrospect advantage point. Now we know and now we have to do something about it. As parents and grandparents, and aunties and uncles of the future

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generations of Maui, it is our kuleana to preserve it for generations to come, and not to continue to pollute it for our own convenience.

CHAIR COCHRAN: Is that . . . *(inaudible)* . . .

MS. LEISENRING: I have more but I don't want to take up your time. But I'm available to meet with any Council members, and I plan to do so. I think this is not a light subject, this is very heavy. This is a really big deal, and we can't continue along this path because we won't have a future for our children. We just won't. Okay. Go down to the beach for yourselves, please, before the next time this comes up in Council. See all the little bits of plastic that wash in with the tide.

MR. MOLINA: Four minutes.

MS. LEISENRING: Thank you.

CHAIR COCHRAN: Thank you. Members, any need for clarification from our testifier? Yes, Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Madam Chair. And thank you, Ms. Leisenring, for coming back. I seem to recall in your last testimony or we talked about it a little bit in this Committee meeting that you were going to come up with a comparison of containers that you guys deal with versus containers, the polystyrene and pricelist, et cetera. Have you been able to do that yet?

MS. LEISENRING: We did actually. We had, the beginning of one of the task force meetings, we all met at Zippy's and we did a comparison of a bunch of different kinds of...they had...actually Styrofoam wasn't there, funny enough. But we had a bunch of different polystyrene containers...sorry, polypropylene containers, compostable containers, and I think there was two different kinds of polypropylene and polystyrene, not the polystyrene foam though. We did, it was pretty extensive, and I'd be happy to fill you in on what happened at that, with that.

COUNCILMEMBER COUCH: Okay. So it was done though?

MS. LEISENRING: Oh, absolutely. Yeah.

COUNCILMEMBER COUCH: Okay, great. Thank you. Thank you, Chair.

CHAIR COCHRAN: Okay, thank you, Mr. Couch. Any further need? No? Seeing none, thank you for your time.

MS. LEISENRING: Thank you.

MR. MOLINA: The next testifier is Jeremy Kozuki, and he will be followed by Pamela Tumpap.

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MR. KOZUKI: Madam Chair --

CHAIR COCHRAN: Yes.

MR. KOZUKI: --I have some evidence...I mean some exhibits that I want to display maybe on this --

COUNCILMEMBER CARROLL: Chair?

MR. KOZUKI: --chair. Madam Chair, can I do that?

CHAIR COCHRAN: Did you want us to feel them and see like sort of show and tell --

MR. KOZUKI: Well . . . *(inaudible)* . . .

CHAIR COCHRAN: --kind of thing? Okay. Well we'll need to figure out a place 'cause, you know.

MR. KOZUKI: Okay. How about here, Jordan. Thank you.

CHAIR COCHRAN: Oh, it's food items. Can we keep the food? Just kidding. Snacks.

MR. KOZUKI: Snacks, yeah. Madam Chair, Councilmen, thank you so much for allowing me to be here. Mr. Councilman Victorino, thank you for heading up the task force. You know I'm a simple SOB. I'm a simple son of a baker, okay. I'm not, you know, I'm not a nuclear physicist. I just try to break things down to its smallest elements.

COUNCILMEMBER CARROLL: Address the Chair, please.

MR. KOZUKI: And when I first heard about this particular item, you know, it reminded me of the plastic ban, the plastic bag ban, the minimum wage, the GMO, but that's, you know, that's okay. But I try to break it down to its smallest element, and I broke it down to the landfill, polluting the ocean, and actually reading, you know, the bill. And I try to break it down and try to address it in my mind, and I came up with these thoughts. From what I understand that as far as the landfill issue I haven't heard too much discussion on that today, but it composes of 1½ percent of the total. That's a number that I can grasp, I can hang onto, I can see. All right? Then the second item is the pollution in the ocean, it kills fish. I have not seen any items that it kills X amount of fish. I have not seen any studies that shows that out of a ton of rubbish or garbage we find on Kamaole, what part of that are Styrofoam cups or plates. You know I haven't seen that. I have not seen any studies again of how many fish it has killed. We have a general statement that it kills fish, it kills turtles. Okay. And I can't wrap my hand around that without knowing how many. Okay. And the other issue is this particular bill does not necessarily have to have only economic impacts on local companies or, you know, large companies. Okay. There are other

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issues involved here. Okay. And I feel those issues other than economic which other testifiers have testified, okay, includes ecological. I believe in that. I was born and raised on this island. Okay. And I've heard arguments today, I was on the Planning Commission for five years, I chaired it for two years and I've heard--pardon my bluntness, okay--basically same story told over and over again. Okay. That the aina, has to protect it, which is fine, but that doesn't mean that if I'm in business I do not understand, okay, the ecological impacts of anything. The example I like to use is I remember going down to Makena. Okay. That was before it was called Wailea. Okay. And you had to cross a cattle guard to get into Makena. Okay. That's how long I've been here. Now I also happen to be a businessman. Okay. So I'm a businessman from Maui. That doesn't mean I'm not aware of the aina or the ecology. I don't believe that somebody who's been here for 14 years --

MR. MOLINA: Three minutes.

CHAIR COCHRAN: One minute to conclude.

MR. KOZUKI: --can say that they are more moral by caring about...and I, like I said, I understand the issues, okay, but I don't see why an environmentalist are the only realists. Businessmen are realists. We have to make payroll. Okay. So I resent the fact that there's a thought that people who are environmentalists are more moral than us businessmen. I resent the fact that an environmentalist can come out here and say they are realists. That's not to say that I'm not a realist. I gotta make payroll, what, 26 times a year. Okay. So anyway, what I did here and I'm probably cutting in my four minutes, I'd like to go briefly go over the items that I have on exhibit here. Okay. And they're all in polystyrene trays.

MR. MOLINA: Four minutes.

CHAIR COCHRAN: Okay.

MR. KOZUKI: Okay.

CHAIR COCHRAN: Well sorry, you gotta do that real quick --

MR. KOZUKI: Okay.

CHAIR COCHRAN: -'cause you're over your four minutes. You're gonna be. So real, real quickly.

MR. KOZUKI: Okay. These are all polystyrene trays, and I looked at the bill...

CHAIR COCHRAN: And you need to...sorry, sorry. You gotta do it from your microphone though. So you can't...

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COUNCILMEMBER CARROLL: Nobody can hear you if you're not by the microphone.

CHAIR COCHRAN: Yeah. You gotta be at the microphone. Sorry. So can you just brief...we can see it visibly and then...

UNIDENTIFIED SPEAKER: It's recording.

CHAIR COCHRAN: Yeah. So we need you on my microphone though, sir, please. So just briefly describe and then that's...*(inaudible)*...

MR. KOZUKI: Okay. I've got several items that we sell at the bakery and the container that they're in, and also I went down to Foodland, I picked up some couple items at Foodland. They include a saimin that we make at the bakery, some donuts...what else do I have in there?

CHAIR COCHRAN: Yeah.

MR. KOZUKI: I have one pound of hamburger meat I got from Foodland. I got four pieces of corn that I got from Foodland. Anyway, the bottom denominator is this or the denominator is they're all Styrofoam. Oh, I also have a hamburger steak that we make, plate lunch.

MR. MOLINA: Five minutes.

CHAIR COCHRAN: Right.

MR. KOZUKI: Okay.

CHAIR COCHRAN: So I gotta cut you off. Sorry. So the...is...just one closing sentence, please.

MR. KOZUKI: My closing sentence is I need some guidance from the powers that be that tell me which ones of these items will be legal to sell.

CHAIR COCHRAN: Okay, thank you. Thank you for your time and show and tell. Do you need all your food back?

MR. KOZUKI: Any questions?

CHAIR COCHRAN: Members, do you have any need for clarification from our testifier? Mr. Couch, you're...looked puzzled.

COUNCILMEMBER COUCH: Yes, Madam Chair. I noticed that you mentioned there was a hamburger steak that you sell your, sell at your store.

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MR. KOZUKI: Correct.

COUNCILMEMBER COUCH: It's on a Styrofoam plate...I'm sorry, polystyrene plate --

MR. KOZUKI: Yeah. Yes.

COUNCILMEMBER COUCH: --covered in plastic wrap. Is that how'd you normally sell your stuff?

MR. KOZUKI: We sell some of it like that, yes.

COUNCILMEMBER COUCH: And then you do the other in the clamshells?

MR. KOZUKI: In the clamshells. Yeah.

COUNCILMEMBER COUCH: Okay. And have you looked at the prices between those and the potential replacements?

MR. KOZUKI: I don't have the exact numbers but I can tell you they'd be more expensive. But as I said the issue here isn't just merely price. Okay. It's a matter of what's fair. It's also a matter of what is correct. The raw hamburger I know from what I understand is legal. Foodland can put raw meat in a Styrofoam or...well in that foam tray where I cannot put in my hamburger steak.

COUNCILMEMBER COUCH: Okay. That's a good...thank you for that comparison. Thank you.

MR. KOZUKI: Anybody else?

CHAIR COCHRAN: Members...yeah, Mr. White.

COUNCILMEMBER WHITE: Thank you, Madam Chair. You may not know the answer to this question, but the bill allows polystyrene containers to be used for packaging such as this as long as it's done outside of Maui County. Do you know whether Foodland packages some of their meats on Oahu or somewhere else in the State other than having it packaged here on island?

MR. KOZUKI: If you're asking me if I know if that package of hamburger meat was packaged on...I don't know.

MR. PAET (*from gallery*): All in-house. They have their own wrapping machine.

COUNCILMEMBER WHITE: Okay.

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MR. KOZUKI: Okay. And I know Bernard from another place, and he used to work for Foodland. So he's saying that that package of raw hamburger meat would be allowed under the bill, okay, was packed here on Maui.

COUNCILMEMBER WHITE: Yeah, okay. Thank you, Chair.

CHAIR COCHRAN: Okay. Thank you, Mr. White. Members, any further questions? Seeing none --

MR. KOZUKI: Thank you.

CHAIR COCHRAN: --thank you for your time.

MR. MOLINA: The next testifier is Pamela Tumpap, and she will be followed by Frank Carvalho, Jr.

MS. TUMPAP: Aloha, Chair Cochran and Members of the Council's Infrastructure and Environmental Management Committee. I'm Pamela Tumpap, president of the Maui Chamber of Commerce and served on the task force as has been mentioned. First we want to thank the County Council for taking this to a task force, and to Councilmember Mike Victorino for chairing this. When a lot of business people came together and sat on this task force and I know it was to look at a ban, you know, the first part of the bill we looked at two intended purposes. When it was first introduced many years ago, one was to look at its impact on the landfill, polystyrene's impact on the landfill, and within the first night, that was quickly thrown out. Because we realized it was less than 1/2 of 1 percent as a landfill issue and it was deemed a nonissue. So then we centered down into what seemed to be the bigger issue which was the impact on the marine environment and marine mammals, and as we looked into this, that's where we had consensus. All of the business people looking at the data that they saw agreed that plastic, not just polystyrene...in fact we wondered how polystyrene became the low-hanging fruit, and there's been some comments about styrene and polystyrene and health impacts. But we didn't spend a lot of time talking about health impacts during the task force, we talked about impact on marine animals. And there's studies on both sides. But what became very quickly clear to all of the business people was that litter was a huge problem on the marine environment. I have a picture on my phone of the data circulated on the albatross' stomach in the dissected albatross, and what we were surprised to find is how many pieces of plastic and different types of plastic, including cigarette lighters with lighter fluid in them were in a single dissection. Bottle caps, all sorts of things. So there was a lot of things, and we realized that the bigger issue was plastic and litter. I also have pictures, it was mentioned about and I'm sorry I didn't blow them up, but if anybody wants to see that test that we did with different things. And we realize that with the cost involved on a polystyrene ban that was a cost to many businesses. And it was not going to improve the litter problem that we all saw and agreed to was a huge issue. So we felt that we came up with a winning solution which you'll see in Exhibit 5. I also want to mention and it was discussed today that my testimony is based on an e-mail we received and I had Ashley run up and bring me a copy, because the e-mail we received which was sent to us on November 12th which had a

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report dated October 31st noted that it was the final report, it was the task force final report. So that's why you're hearing today some confusion in testimony between the version that you have before you today dated November 17th and what many of us task force members saw. So she's brought copies if you'd like to see the original version we saw and what my testimony refers to, specifically on Page 8 which at this point may be different from what you have before you. But for us the bottom line is this and many people have testified it whether it's we're talking about turtles, whether we're talking about a whale that was beached and had tons of plastic, whether we're talking about our onshore environment or our marine environment, litter is a big issue. And we felt compelled to do something about that. And we feel out of the time spent on this task force that was a winning solution. And we saw a public/private partnership possible to deal with the huge environmental concern that would have an immediate impact. Do we think a polystyrene ban is necessary? No. And we don't see how it became the low-hanging fruit. If we look to waste-to-energy conversion, again, maybe it's a moot point. But what we don't want to see on an issue that's been around for years and continues to be an issue where consensus can't be found is that we hold up on what we can do, and what we can do and do today --

MR. MOLINA: Three minutes.

MS. TUMPAP: --is clean up the trash and make sure that our trash doesn't get into the marine environment. So we would like to see the Council move instead on a different initiative which is an environmental campaign to deal with litter control, and we stand ready to help in that regard.

CHAIR COCHRAN: Thank you, Ms. Tumpap. Yes, Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Madam Chair. And thank you, Ms. Tumpap, for being here. You mentioned some of the things that "we", when you say "we" you're talking about the Maui Chamber of Commerce?

MS. TUMPAP: I'm sorry. Give me an example of when I said "we".

COUNCILMEMBER COUCH: Well, "we" recommend.

MS. TUMPAP: On the task force?

COUNCILMEMBER COUCH: Are you doing it from the task force?

MS. TUMPAP: We as business people who served on the task force, and that's...our recommendations are in Exhibit 5 and we all signed on to that. So that's that the "we" that I was referring to there.

COUNCILMEMBER COUCH: Gotcha. And you signing on as the head of Maui Chamber of Commerce, right?

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MS. TUMPAP: That was correct.

COUNCILMEMBER COUCH: Okay.

MS. TUMPAP: Yes.

COUNCILMEMBER COUCH: We heard from a testifier that said that they didn't sign on and they're a member of the Chamber. How does that work? I understand it's a group of...

MS. TUMPAP: It is. I would say it works much like the County Council works. When you make decisions here on behalf of those who elected you, you make the decision based on your best information and knowledge and direction that you choose to take after hearing all the facts. That's how we make decisions at the Chamber of Commerce. So we don't survey every member when we're taking on a policy statement or initiative. We do however look to pass policy statements which are published. We unilaterally do not support bans and moratorium in general; however, having said that, it was also brought up today and I'll share again because I've said it before, unlike other groups who did not or who supported a ban...or excuse me, who did not support a ban on plastic bags, the Maui Chamber of Commerce did support a ban on plastic bags. We asked for several things, much of which we didn't get. A huge part of that request was for again a public education campaign to talk to people about litter. The Council chose not to fund that. They did do some education campaign but in a different way. But we supported that and it's because an overwhelming majority of our members saw that as a huge issue, and so we were unique in that, we took a lot of flak Statewide for our position on that. So if we see compelling evidence beyond again a policy statement that says we don't support unilateral bans, if we see compelling evidence then we go back and we talk to more and more of our members. We are still in the midst of a survey. We were kind of waiting to see and we just got the final report, but we do have a survey going on as I shared with you. And we will be getting data to the Council on how that survey goes.

COUNCILMEMBER COUCH: Okay. Thank you, Madam Chair.

CHAIR COCHRAN: Thank you, Mr. Couch. Members, any other questions for Ms. Tumpap? Sorry, the survey, is that in relation to the plastic bag ban?

MS. TUMPAP: No, the survey is in relation to members' feelings about converting to alternatives, to looking at, you know, trying to understand how many people are migrating to more compostable alternatives and what their motivations were. As we started looking at this we realized there were different issues and elements to this as we sat through the task force, so we've been modifying and tweaking what that survey looks like.

CHAIR COCHRAN: Okay. Thank you very much. Thank you. . . .(inaudible). . .

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MS. TUMPAP: Thank you. Would you like the copies of the 10/31 report that we were mailed, e-mailed?

CHAIR COCHRAN: If you have them.

MS. TUMPAP: Yes, I do.

MR. MOLINA: The next testifier is Frank Carvalho, Jr., and he will be followed by Emily Kunz. And Emily is the last person signed up to testify.

MR. CARVALHO: Good afternoon, Council people, Chair. I'm from Mama Ding's Restaurant over in Kahului. We serve Puerto Rican food there. We've been in business for about like 30...this November 24th makes 30 years we've been there. I'm for the environment, you know, I would like to see, you know, like people be more conscientious in, with their trash and things like that, and I think that comes with more education, you know, in the schools, just educating the environment. Maybe having a thing where people, you know, I guess like in Canada would do something like that that they reward people for bringing in trash. You know some kind of program. I know that if there's going to be a ban it's going to be a cost on the small business, and, you know, we can't, you know, everything's gone up in price. So what I'm saying is that before a ban if you folks want to put a ban in place, find an alternative for us that is workable, you know, for what, you know, handling hot foods and stuff like that at the...you know like right now we buy our hinged trays from Costco and it's \$15 for 100 trays. And it's kind of hard to, you know, meet that kind of bargain. So and also I've been reading online that there's this machine that's recently innovated and what it does it compacts Styrofoam. It's called StyroPower, if you folks can write that down and look into it, and it does for recycling Styrofoam. It can be used for various things for construction. I was also thinking then Styrofoam could be used...the way Styrofoam, it may be making...using it in concrete, you know, and like for non-load bearing like doing sidewalks and stuff like that. You can use other alternative use for Styrofoam. Anyway, that's all I have to say. Thank you.

CHAIR COCHRAN: Thank you for your time. Members, any need for clarification from our testifier? Seeing none, thank you again.

MR. CARVALHO: Thank you.

MR. MOLINA: The last testifier is Emily Kunz.

CHAIR COCHRAN: Anyone in the gallery want to testify after Ms. Kunz, please sign up at the front table and come down. Thank you.

MS. KUNZ: Hi. My name is Emily Kunz, I'm the owner of Choice Health Bar in Lahaina. It's a small restaurant that's been around for about four years, and I would estimate that about 80 percent of

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our customers are local clientele. And I just want to tell you what we're doing there. We use all biodegradable containers and we have since the beginning. We have a program called Flip the Coin and Be the Change, so the concept is that if you're going to take something to go from Choice we charge you 25 cents per item. If you're going to take something to go and you bring your own container we actually take 25 cents off our list price so you could save 50 cents if you take it to-go. And it's really been a powerful thing. We have a lot of customers, our regular customers that come in with their own containers. We actually sell to-go containers that are canteens to help encourage this. So I found that it's been...I've never ever had a problem with someone who's complained to me about paying 25 cents for the container. Also as far as the quality of the containers, they do degrade quicker than a Styrofoam container, but that's the whole point. And I've been really happy with our plate lunches going in those containers and people taking them to-go for later in the evening. I actually haven't received any complaints about that, and that's those paper bagasse containers. To give you an idea, for our 20-ounce rectangular clamshell we pay 17 cents each, and Maui Chem just said they do it for 14 cents for Styrofoam. For our 2-compartment clamshell we pay 17 cents each. For our 16-ounce cold cup we pay 13.5 cents each. We're one of the bigger buyers from a compostable container company here that's owned in Hawaii and we buy a lot from them. Actually in the last year we've bought so much that they've lowered my price by 5 percent because of us buying more and more and more. So we're seeing savings by our business getting busier. So I just want to also say that I know my customers and myself, if I go to another restaurant I'm not interested in taking anything to go if it comes in a Styrofoam container, and I think that's just kind of the way things are going. And that's makes me happy to see. And I do just want to note that I've seen a change in the ecosystem here in the time I've lived here for the last six years. It hasn't been that long but I've noticed changes in the reef quality or the, you know, the ecosystem when I go swimming, and it's just things are changing. And I know this isn't the only problem but I think every little part counts towards something. So it's our responsibility as citizens to do our part and make these changes. I think education is a huge part of it, too. And I just want to have a little anecdotal story. I remember when I was a little kid, I...my parents, we lived in this house and on the day we moved out after eight years living there, my dad pulls me aside and he says come over here, look down in that drain sewer down there. And he points down and there is a Styrofoam plate and he says to me, you know, that was there when we moved in eight years ago. And that to me, that's just unacceptable, like we can't let these...even though it might be a small portion of what's going on, we need to take responsibility. We live in a very small, fragile ecosystem here on Maui. And I'm really thrilled that my company's been able to do our part.

CHAIR COCHRAN: Thank you very much. Members, any need for clarification? Yeah, Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Madam Chair. And thank you, Ms. Kunz, for being here. You said you have a 20-ounce container?

MS. KUNZ: Yeah, it's a 20-ounce, 1-compartment clamshell made of bagasse paper.

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COUNCILMEMBER COUCH: Bagasse paper. So is that eight inch or nine inch or six inch?

MS. KUNZ: That's probably one of the smaller ones.

COUNCILMEMBER COUCH: Six inch?

MS. KUNZ: It's like this size. It's a rectangle, it's not a square, so it's like this size. The one...we have a container that we use for our plate lunch which actually is two biodegradable containers. It has a two-compartment container where we put our rice and our salad which is part of our plate lunch. That container is 23 cents --

COUNCILMEMBER COUCH: Okay.

MS. KUNZ: --each.

COUNCILMEMBER COUCH: And you said you have rice. Do you have hot food? Especially with --

MS. KUNZ: Yeah.

COUNCILMEMBER COUCH: --gravy and soups and stuff?

MS. KUNZ: Yeah, we have soups. We sell soups in a hot-soup container. It's biodegradable.

COUNCILMEMBER COUCH: Is that the bagasse?

MS. KUNZ: It's made of paper with a biodegradable plastic lining. The soup does not go through that, no way. Even if it's on hot...if we just, you know how the health inspector makes us bring it to 170 degrees, if we serve it at that temperature even it is fine. You couldn't serve the soup in one of the clear containers 'cause that will melt. Hot food in the clear corn cups doesn't work, but there are so many options in the Styrophobia or like that whole...not just Styrophobia, there's a ton of different companies out there that are bringing tons of new options. I have like many containers for different items. I mean it's crazy what's out, the options out there, and the fact that I'm seeing prices go down. And I think the prices are less than going to Costco, you're going to a big distributor. And also, you know, compared to Maui companies that are selling these containers, like I'm seeing better prices from companies on neighboring islands that specialize in supplying these containers.

COUNCILMEMBER COUCH: Okay. Thank you, Chair.

CHAIR COCHRAN: Okay. Thank you, Mr. Couch. Members, any further need for clarification? Seeing none, thank you for your time. Anyone else in the gallery looking to testify? Please

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come forward. Seeing none, let me check in with our District Offices and make sure they're still there. Hana, Ms. Lono, are you there?

MS. LONO: Yes, good afternoon, Chair. There is no one waiting at the Hana Office to testify.

CHAIR COCHRAN: Okay. And thank you very much for being there. On Lanai, Ms. Fernandez, are you there? Any testifiers?

MS. FERNANDEZ: Yes, I'm here. And there is no one waiting to testify on Lanai.

CHAIR COCHRAN: Thank you, Ms. Fernandez, for being there. And on Molokai, Ms. Alcon?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR COCHRAN: Okay, ladies, thank you very much for hanging in there and being there for us. Members, at this point, seeing no one looking to testify, we shall now close public testimony.

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS. (EC, RC, DC, DG, MW)

... END OF PUBLIC TESTIMONY ...

CHAIR COCHRAN: Thank you very much. Okay. Do we all need a midday break, guys?

UNIDENTIFIED SPEAKER: Yeah.

CHAIR COCHRAN: Okay.

COUNCILMEMBER GUZMAN: Yes.

CHAIR COCHRAN: All right. Yes. So ten minutes? Is that good? Okay. So we'll be in a ten-minute recess for our midday break. We are now in recess. . . .(gavel). . .

RECESS: 3:44 p.m.

RECONVENE: 4:05 p.m.

CHAIR COCHRAN: . . .(gavel). . . Will Infrastructure, Environmental Management Committee please come back to order. Thank you, Members, for that brief break.

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members agreed that the County should protect marine life and take steps to protect the environment and public health. The task force members are divided on whether the bill is the best means to do this. And again, I kept hearing ban, ban, but if you read the whole bill or the proposed bill it was to regulate the use and sale, it was never to ban. But the ban somehow comes out. It's like GMO, ban. I mean you start one place and it goes somewhere else, but let me not go there. I don't want...it's not part of the subject matter so I'm not going to go any further. So let me say the task force met and at times it was a little contentious, but I think everybody brought their manao to the table and I really was appreciative no matter where they came from. And I appreciated their ideas and what they had brought to the table. And sometimes, Madam Chair, you know, there was concerns about loss of jobs and this and that, you know, it went all over the place, but we tried to hone in on what effect by reduction of plastic or polystyrene containers would have here in Maui County. Other counties have done it, other municipalities have done it, so the possibility is still there. The task force findings that educational outreach and improved litter control was needed to mitigate litter hazards. Okay, that was kind of a consensus. All the group agreed more education and also more work as far as litter was concerned. And you heard today by a number of members from either side that said that. Again the task force does not have consensus of whether enacting a bill is a good strategy for mitigating the impacts on plastic litter. Likewise, the task force does not have consensus on the public health risk using polystyrene disposable containers. The summary of the task force final report. The bill extends food preparation and packaged entirely outside of the County to what was that...well excuse me, the bill exempts--excuse me, I said the wrong word--exempts food preparation and packaged foods that were entirely made outside of the County. Food providers who are unable to import prepared foods would be at a disadvantage, a competitive disadvantage by this exemption. That was the first exemption. Any other food provider can apply for a one-year exemption from the polystyrene prohibition, but based on the exemptions needed more clarification was needed. The Director of Environmental Management must submit to the Council an annual report estimating the increase of number of food providers using compostable or recyclable containers. When the food providers come into compliance, there will be little or no useful data unless someone is charged with that task. And we were looking at the Recycling Division of the Environmental Management area. That was...what's her name? Hana Steel's division I think falls under you. Is that correct, Mr. --

CHAIR COCHRAN: Ginoza.

MR. GINOZA: Yes.

COUNCILMEMBER VICTORINO: --Ginoza. I'm sorry, I get tired, you know. Excuse me. Thank you, Mr. Guzman, for putting it in my ear. I forgot. Task force members oppose the bill that was submitted, that their own recommendations, aka, attached on report, Exhibit No. 5. And those task force members who supported the bill and submitted their own recommendations were put on report attached Exhibit 6. So you have two various exhibits, okay, to work from. The task force recommends that any further discussion of the bill be included, consider several listed

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revisions, and then you have those in front of you also. Notably the bill effective date should be allowed for a two-year grace period similar to the plastic bag reduction ordinance. Madam Chair, this was where we kind of ended this whole task force discussion. We never got consensus for which I hoped we would get some but unfortunately we weren't able to. I think there's a bigger respect level between both sides now. They understand what each other is looking at. I think all of the participants had great, great ideas brought toward different aspects that we need to consider. And what I would like to do is continue my work on this because there is an updated version that I've been working on with all parties that I want to bring forward probably the 1st of next year because it will take us that much time. And I want to thank in particular Jordan Molina because Jordan was an integral part of helping us throughout the whole process. He kept good notes, he helped me look up different matters that were needed during our discussion. I want to again thank all the task force members no matter which way or who and what they brought to the table, because I thought every one of them brought some important aspect that needed to be heard by the public, as you heard the public testimony today. I believe that we are on the right path. I don't think a ban may be the word, and I'd like to stop with the word "ban" and more in the line of "reduction" like we did for the plastic bag. It is a reduction. We're moving to reduce that type of polystyrene that we are use in...and as you heard used by some but others have made the change and are very satisfied with the change. The economic impact is very important and that needs to be continued to be studied. And I think incentives may be a part of this program when we come out to the very end. Like, instead of like what we did with the plastic bags, I think we need to have incentives, and so I will also be looking at what other counties have done, other municipalities in the area of incentives to help make or help people, encourage people to participate and to be a part of. So, Madam Chair, if you have any other questions or if any Members has any questions I'd be more than happy to answer 'em. You heard from the task force member. Mr. Ginoza was there at most of the meetings. And I want to thank Mr. Ginoza for participating. I think it was very important that he was there. And that ends my report, Madam Chair.

CHAIR COCHRAN: Thank you very much, Mr. Victorino. I appreciate the time you took to go through all that. And I will now turn the floor over to Department, to Director Ginoza for any comments you might have.

MR. GINOZA: Thank you, Chair. I would echo what Mr. Victorino, Councilmember Victorino said that it was a diverse group, and what you found was that the sides were deeply divided. That you had those that looked after the protecting of the marine life and those that looked after protecting of the businesses and trying to keep the cost of living in check. And that's really what echoed with me with when you look at, you know, minimum wage going up, healthcare costs going up, and products and other things going up, how much we put onto the backs of the public. And so I don't envy you all on deciding on this, but it is something that from an actual Department perspective, you know, as was mentioned in the study, we don't see it impacting our landfill whether there's a ban or not because of the low tonnage of material that we actually see at our landfill. But it is something that I'm glad that Mr. Victorino had the task force so we could see

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both sides engage in this discussion. While we didn't reach consensus on anything other than the trash, I mean sorry, the litter control, that is something that we are looking into further as a Department. Because if you look at how litter control is handled in the County, it's kind of cross department between Parks and Public Works really. Not so much us. We deal with it when it's downstream in the trash end, but it is something that we've seen, you know, with overflowing trashcans that we should put a greater emphasis from a County perspective on litter control. Thank you.

CHAIR COCHRAN: Thank you, Director. Members, the floor is now open for you folks' comments, questions, and...Mr. Guzman.

COUNCILMEMBER GUZMAN: Yeah, thank you, Chair. I have a question. In the testimony, somebody mentioned that there was a proposed ordinance in Honolulu pertaining to the polystyrene reduction. Is that correct? Is there a proposed ordinance that will be coming into effect soon?

COUNCILMEMBER VICTORINO: Madam Chair, may I answer that question?

CHAIR COCHRAN: Oh, sure. Go ahead, Mr. Victorino.

COUNCILMEMBER VICTORINO: There was a proposed ordinance in Oahu and they've put it off, they want to do a study, and I think they're looking at 18 months. Something like...if...I think it was 18.

MR. GINOZA: End of next year.

COUNCILMEMBER VICTORINO: Huh?

MR. GINOZA: End of next year.

COUNCILMEMBER VICTORINO: End of next year which was almost 18 months from when we were looking at. When this study's completed then they're going to bring it back to the Council for reconsideration. So they have a study that they're putting on right now.

COUNCILMEMBER GUZMAN: Is there any way we can piggyback on that study?

COUNCILMEMBER VICTORINO: Well that was one of the things that we're looking at this point. Yeah.

COUNCILMEMBER GUZMAN: Because I know that the, probably the demographics or even the, you know, the different, I don't know, aspects of how Maui County is made up versus Oahu. Probably the study would vary in terms of its results, yeah. So is there any way we could

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somehow find out who they've hired to do the study, or maybe we can get a, somewhat of a government discount if they can do two for one. I don't know.

CHAIR COCHRAN: Yeah, I'm sure that's all doable, Member Guzman.

COUNCILMEMBER GUZMAN: So if you can look into that as part of the, I guess the task force or as part of this Committee if we could make contact with Honolulu and find out who's doing their study.

MR. GINOZA: I can find out.

COUNCILMEMBER GUZMAN: Okay, thank you.

MR. MOLINA: Madam Chair?

CHAIR COCHRAN: Yes, Jordan.

MR. MOLINA: Just point of clarification. The Honolulu City Council had introduced the resolution urging that a study be conducted. I'm not sure of the status of this resolution, if it had been adopted yet or not. But that's what the study that was referenced is referring to is this resolution which the Council is essentially urging for a study being done.

CHAIR COCHRAN: Okay. There was a handout also, ToxWorks, and it was in I guess a testimony given to City and County for a Proposed Bill 40 (2014), ordinance relating to disposable food containers and the safety of it. And so that probably is what pushed forward a reso to study to see if, you know, is it or isn't it.

COUNCILMEMBER VICTORINO: That is absolutely correct, Madam Chair.

CHAIR COCHRAN: Okay. Very good. And, you know, we'll keep abreast of that because we're sort of, yeah, following the similar lines here in our County. So, Mr. Couch, you had your hand up?

COUNCILMEMBER COUCH: Thank you, Madam Chair. Mr. Ginoza, you mentioned something that this isn't going to have an effect on your, on the landfill operations. It's not going to reduce anything in the landfill, is that what you're saying?

MR. GINOZA: Basically, when you look at the alternative food containers, we'd handle those the same as the polystyrene ones where our composting facility would not be able to accept the, either the compostable or degradable food containers that are the alternatives to polystyrene.

COUNCILMEMBER COUCH: Okay.

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MR. GINOZA: And so right now I think I mentioned in a previous meeting that we're not allowed to take any food waste with our current composting. And so any kind of food waste that's in the containers would prevent us from being able to accept the containers for composting. So that was in essence why we don't expect any difference.

COUNCILMEMBER COUCH: Couple of follow-ups.

CHAIR COCHRAN: Yeah, go ahead, Mr. Couch.

COUNCILMEMBER COUCH: Just as an aside, that's kind of odd because isn't most of composting food waste? Why can't we...

MR. GINOZA: Not on Maui. On Maui we don't...

COUNCILMEMBER COUCH: I think in Ms. Cochran's backyard it's all food waste.

MR. GINOZA: Well, not as part of the County composting program. The County composting program only comprises of the green waste and the sewage sludge as part of the mix for composting.

COUNCILMEMBER COUCH: So you get it either end, you don't get what's in the middle, the food. Is that...maybe that's for another discussion at another time, but that's kind of odd to me. But...

MR. GINOZA: Yeah well it's something that we've explored it with the Department of Health and it's a matter of they're concerned about vector control and birds. And so for us to accept food waste in a composting program for the County we'd have to have a large concrete slab and an enclosed building with negative pressure. And so, you know, based on that kind of investment, we felt that at this time because, you know, the pig farm takes a lot of the food waste, it just didn't warrant the investment at this time.

COUNCILMEMBER COUCH: Okay. Well that's another thing we can talk about.

CHAIR COCHRAN: Definitely another day there, Mr. Couch.

COUNCILMEMBER COUCH: Yeah. As far as in, on Page 3 of the final report dated November 17th, Number 2 at the bottom. It says landfills are designed to inhibit the decomposition of materials. Compostable or biodegradable materials--which are alternatives to polystyrene materials--will not decompose at a significantly faster rate than polystyrene materials when disposed into a landfill? Is that...

UNIDENTIFIED SPEAKER: Where . . .(inaudible) . . .

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COUNCILMEMBER COUCH: Page 3 at the bottom, the last....Number 2 of the November 17th report which is today.

MR. GINOZA: Sorry, wrong page. Too many different reports.

COUNCILMEMBER COUCH: Yeah.

MR. GINOZA: So what is the question?

COUNCILMEMBER COUCH: Is that an accurate statement?

MR. GINOZA: Yeah. I mean we try to inhibit the decomposition of the materials.

COUNCILMEMBER COUCH: Okay. Madam Chair, that's kind of an interesting comment, I mean an interesting statement there. But, Mr. Ginoza, a testifier testified that polystyrene that goes in the landfill then ultimately goes into the ocean. That isn't what happens in our landfills, right? 'Cause we cover every day and we have wind guards, and we have all kinds of different things to prevent something like that from happening. Is that right?

MR. GINOZA: Yeah. I don't...unlike the plastic bag where, you know, a lot of wind-blown would go over our wind fences. I don't think that many if any polystyrene containers actually escape our landfilled areas and actually travel to the ocean. I think this...and that's why I don't think that the polystyrene issue from, generated from the landfill would impact marine life, because we do cover every day and we do cover throughout the day or compact throughout the day. And so I don't think any of the polystyrene deposited at the landfill is actually reaching the ocean or leaving the landfill.

COUNCILMEMBER COUCH: And do you have any kind of study that says that how much gets to the landfill versus how much gets blown away or just not thrown away?

MR. GINOZA: We don't. I mean for me just as an individual, anecdotally, I see when I take my kids to the beach that oftentimes the parks' trashcans or the beach trashcans are overflowing --

COUNCILMEMBER COUCH: Right.

MR. GINOZA: --and so that's where I see a lot it, you know, perhaps getting into the...

COUNCILMEMBER COUCH: So that's where it probably comes from are people throwing stuff out of their car.

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MR. GINOZA: And that's why I think that the task force reached a consensus that we have to deal with the litter problem whether it's intentional by people just throwing it from their truck or whatever --

COUNCILMEMBER COUCH: Right.

MR. GINOZA: --as well as litter that just couldn't be accommodated by the receptacle because either it was overflowing or the absence of lids or, you know, whatever the reason may be.

COUNCILMEMBER COUCH: Okay. I just was wondering, like you said it's only anecdotal but I'm assuming most of that, most of the polystyrene stuff gets into the landfill and where it's contained.

MR. GINOZA: We like to think so. And we like to think that our citizens are responsible enough to dispose of trash appropriately. But I mean as we see, you know, and --

COUNCILMEMBER COUCH: Right.

MR. GINOZA: --go to the beach, I mean there is some escape of materials. Whether it's because...some other material wouldn't realize the same result. So maybe a biodegradable container might have blown out and been eaten...I mean I don't know what the effects are, but it's not something that just because it's polystyrene it would leave as litter versus any other container or any other trash that was deposited there. So it is something that I think would require or would warrant a closer look at how we dispose or contain the trash that is disposed of by the public at these coastal areas.

COUNCILMEMBER COUCH: Okay. And, Madam Chair, we got a, something from one of the testifiers showing the Maui, Malama Maui Nui trash count, if you will.

CHAIR COCHRAN: Uh-huh. I haven't seen that yet.

COUNCILMEMBER COUCH: Are we going to get that here? 'Cause I would like to find out from him if that kind of jives with what he knows. So is there...do we have that?

CHAIR COCHRAN: Yeah. It got...well it got...a copy was sent, yes, Jordan?

COUNCILMEMBER COUCH: Did we get...

CHAIR COCHRAN: But we didn't make copies of it to distribute? From Ms. King, I believe.

COUNCILMEMBER COUCH: Oh, yeah, yeah. It was Ms. King.

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CHAIR COCHRAN: Cheryl King. Yeah.

COUNCILMEMBER COUCH: Okay.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

COUNCILMEMBER COUCH: We did? I know we got so many papers one might have gotten...

CHAIR COCHRAN: Yeah, there wasn't copies of it given, distributed I don't think.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

CHAIR COCHRAN: But is that the brunt of your queries, Mr. Couch?

COUNCILMEMBER COUCH: Yeah, for now.

CHAIR COCHRAN: Oh, okay. Okay. She's going, she'll be making copies. Mr. Carroll, you have any comments? No? All right. Okay, while we're waiting for that. So I, again, as I mentioned in my opening comments, no legislative action will be taken today. So we basically got our summary of the task force's findings and comments, and unfortunately not really heavy, earth-shattering consensus came out from it. But I think definitely we're closer to it. And we are, the consensus is about the more educational outreach which is key for just about every issue that we try and put out there here. And litter control as Mr. Ginoza reiterated also. And, you know, for me it is important to mention what type of litter it is though. You know I mean there's things that will never breakdown in millions of years and then there's the compostable things that yay, it will one day. At least every minute it's, you know, on the land or the sea or wherever, it is slowly but surely going to dissipate and be gone versus other items are just will continue to be there no matter what. Just busted up into tinier, tinier, microscopic pieces which create the big Pacific dryer and all that. So I think it is key that we address what we use, how we use it, how we dispose of it, and, you know, and reducing, yes, I know Mr. Victorino mentioned, you know, banning or prohibiting, just reducing, cutting down. And that's one of the models of our Environmental Management Department is Reduce, Reuse, and Recycle. And that's our kuleana here to do so. And this is all I think, you know, reflective of doing that. And so again, you know, I want to move this forward. And I just want to bring up the point in regards to, you know, this never being the intent to put out, put a burden on our businesses. You know I mean I hear the public outcry in regards to costs and then trickle down to the consumer and their clients and their customers. But then I mean so I see, I hear both sides, and it's very refreshing and very, for me very, there's sort of like light at the end of the tunnel that other businesses have done that. I think one thing that really struck home for me was, Mr. Couch, you mentioned on one of your Fourth Fridays that 25 out of the 27 food trucks were not using polystyrene, and so that was a huge statement in itself that wow, that was quite eye-opening to think. And, you know, as a small business myself, there's majority of costs that go to your bottom line which obviously is your

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utilities, electric, if you've got gas, propane, you got insurance, you got payrolls, you got a rent to pay or a lease, you got water, sewer. I mean the list goes on and on, so I know trying to change out a paper plate, a plastic whatever, a plastic fork or...you can look at that one little targeted item and say wow, it's going to add to the great cost of my business. But I think overall in the end it's about changing out what type of litter we have out there. And we have a whole list of what kind of litter we pick up around our islands. Have you browsed through, Mr. Couch?

COUNCILMEMBER COUCH: Yeah, thank you, Chair. This is great information. If we...I guess they do this monthly it looks like or yearly, I'm not sure, but it's fabulous information. You can see where...I mean the biggest is the cigarette butts, obviously. Maybe not by volume but by number. The takeout, the foam takeout away containers is, it's in the medium range of things that are found. Maybe by volume it might be a little bit on the higher end, but I mean 5,000 bottle caps...4,000 bottle caps, both metal and plastic. A lot of plastic lids, straws, stirrers, forks, knives, spoons, all this stuff. It's just amazing what's in there. But the interesting thing is that there are for instance takeout takeaway containers that are plastic which I know some of the businesses changed from the polystyrene to plastic, the Type 5 which we don't recycle here is higher than the foam container. So it's well worth looking at this kind of data to see well, maybe we have to figure out a more comprehensive something or other, what we can do. It's, I think education is going to be the first thing it looked like the group came up with.

CHAIR COCHRAN: Right.

COUNCILMEMBER COUCH: Oh, the other question I had, Madam Chair, is can we get...I know we had our little sample there with one of the testifiers of the food, but can we take a look...and I know they did something, they said they did something at Zippy's. Do they have pictures of that or do they have any results of that? 'Cause that was one of our concerns too I think we mentioned last time is, you know, how well do these containers hold and which types of containers hold hot liquids.

COUNCILMEMBER VICTORINO: Madam Chair?

CHAIR COCHRAN: Yes, Mr. Victorino.

COUNCILMEMBER VICTORINO: You know if you so desire, I will contact Jason Higa and arrange something and invite some of the task force members again to come down and we can do the variables like they did that day. You can get a good perspective on what they were talking about. So, you know, we could arrange that if you so desire the, what we call, site visit. It would be considered a site visit. And, you know, if you want to I can arrange that with Mr. Higa at Zippy's, and we can bring all the different entities together and go ahead and take a look at it.

CHAIR COCHRAN: Okay. We can try the Won Ton Min in this container and the...

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COUNCILMEMBER VICTORINO: And we did eat well at times. Thank you.

CHAIR COCHRAN: Okay. Yeah. Well, you know, I do go to places and the fast food more so the Styrofoam, you know, quick coffee cup, and then I'll go to others and they have the more paper, the plastic whatever lining, liner one. Not plastic but I'm sure it's degradable type material. And it, they both keep the hot liquid hot and everything, and caps stay on just the same. And so I prefer to purchase the more environmentally friendly product, and it seems to work well and prices seem very comparable as far as I can tell.

COUNCILMEMBER COUCH: And you have a long way to go, right, when you... 'cause part of the thing that was being discussed was how long it will hold that. Somebody...

CHAIR COCHRAN: The heat?

COUNCILMEMBER COUCH: Yeah. It will hold without dissolving or the liquid without dissolving. Those were some of the consider...

CHAIR COCHRAN: Oh, you mean, as my drive --

COUNCILMEMBER COUCH: Yes, yeah, as you drive.

CHAIR COCHRAN: --is that what you were getting towards? Yeah.

COUNCILMEMBER COUCH: Yeah.

CHAIR COCHRAN: Right.

COUNCILMEMBER COUCH: Unless you eat it on the way which isn't safe.

CHAIR COCHRAN: But anyways, as we digress, Members and public, we again are not taking legislative action. And I want to thank everyone for the discussion and especially the participation of the task force members. I think it really enlightened us all on different perspectives of this community on how polystyrene affects us all and how we utilize it day to day. And I guess extra props to Mr. Jordan Molina here. And I do recall as my EA in my office, he's excellent, excellent worker. So thank you, Mr. Molina. And of course Ms. Yap here to keep us all in line too. But, Members, without any further discussion, any last parting words, folks? No? I will, Mr. Victorino, bring this up in the new year, and so we can continue the discussion and hopefully work towards a workable solution for us all. And looking forward to that. And of course, education and outreach from Department standpoint. And looking into recycling, litter control, Reduce, Reuse, Recycle as your motto of your Department states.

COUNCIL MEMBERS VOICED NO OBJECTIONS. (EC, RC, DC, DG)

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ACTION: DEFER pending further discussion.

CHAIR COCHRAN: So, Members, with that, without further items on our agenda today, we are now adjourned. . . . *(gavel)* . . .

ADJOURN: 4:38 p.m.

APPROVED BY:

A handwritten signature in cursive script that reads "Elle Cochran". The signature is written in black ink and is positioned above a horizontal line.

ELLE COCHRAN, Chair
Infrastructure and Environmental
Management Committee

iem:min:141117:ds

Transcribed by: Daniel Schoenbeck

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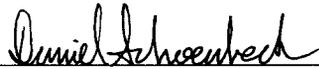
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CERTIFICATE

I, Daniel Schoenbeck, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 2nd day of December, 2014, in Kula, Hawaii



Daniel Schoenbeck