



## **City Provides an Additional 90-day “Education Period” for Disposable Food Ware Ordinance Set to Take Effect on January 1**

HONOLULU - Mayor Kirk Caldwell announced today that the City and County of Honolulu (“**City**”) Department of Environmental Services (“**ENV**”) will conduct an additional education period with regards to the requirements under Honolulu’s Disposable Food Ware Ordinance 19-30 (“**DFWO**”). The DFWO would have required food vendors to only provide fossil fuel-free utensils made of bioplastic, paper, or other renewable materials instead of petroleum plastic utensils, and curtail the use of petroleum plastic takeout bags effective January 1, 2021. The additional education period being provided by the City and County of Honolulu will run for the first 90 days from the DFWO’s effective date (January 1 to March 31, 2021) (“**Education Period**”). Although the DFWO officially goes into effect on January 1, 2021, ENV will allow food service businesses additional time (the Education Period) to adjust to the new law because of the extraordinary circumstances of the COVID-19 pandemic. The additional time will also allow ENV to complete their revised administrative rules process.

“Restaurants are dealing with a lot right now, and we wanted to be flexible,” said Mayor Caldwell. “This Education Period will give food vendors the time they may need to use up remaining inventory while also making sure there are no unanticipated consequences resulting from the impact of the pandemic. This is an extraordinary time, we have an emergency proclamation in place, and we want to help where we can.”

The DFWO was signed into law nearly a year ago on December 15, 2019 and gradually reduces the use and sale of disposable plastic service ware, polystyrene foam food ware, and disposable plastic food ware to improve human health and reduce the impact of single-use plastics on our oceans, beaches, and waste systems on O’ahu.

On April 1, 2021, food vendors must begin providing fossil fuel-free utensils made of bioplastic, paper, or other renewable materials instead of petroleum plastic utensils and curtailing the use of petroleum plastic takeout bags as required by the DFWO. A second part of the law requires food vendors to provide single use utensils (such as straws, forks, knives and spoons) “by request only”—meaning vendors must begin asking customers if they want disposable utensils with each order instead of automatically providing them. Food vendors can also provide self-service dispensers for utensils. This simple change can cut costs by approximately 25% for restaurants and food service vendors by reducing the amount of utensils given out with each order. “By request only” also addresses the increasing problem of unwanted and unused

disposable utensils piling up in homes and in Honolulu's waste system during a period where COVID-19 has increased takeout purchases, often eaten at home. The Education Period will help both restaurant staff and customers get used to asking for utensils as needed.

"The first phase of this law is simple and straight forward, but it has taken us longer than we anticipated to draft administrative rules for the entire ordinance and we want to be clear that we are giving more time for all involved in this effort," said Lori Kahikina, Director of the City's Department of Environmental Services. "We want to help restaurants not only reduce waste, but also make the shift to compliant products while using up old inventory they might have stocked up on during the pandemic."

Following the passage of Ordinance 19-30, the City had convened industry and community stakeholders to provide diverse input and insure clarity around the administrative rules and hardship provisions. A public hearing on the administrative rules was held on November 30, 2020, but it did not meet the required 30-day posting period by one day. Therefore, a new public hearing will be held on January 15<sup>th</sup>, 2021, with the final administrative rules issued thereafter in accordance with the law. Once finalized, these rules will provide clarity for businesses to understand the new regulations.

"When any major new policy goes into effect, there is a natural adjustment period," said Josh Stanbro, the City's Chief Resilience Officer. "In this case, we heard from business leaders that the COVID-19 disruption meant that a longer period to utilize inventory on hand and phase into compliance would really help—and the administration is responding with both additional time and stepped up education efforts. We want both local businesses and our community effort to reduce plastic waste to succeed."

Although many restaurants and food vendors have been fully compliant with the new ordinance for months, some businesses had voiced a need for additional time because of lingering confusion about the phased implementation. During the 90-day Education Period, ENV and community groups will focus on educating affected businesses about the new regulations without ENV issuing official warnings or violation notices.

"Our coalition of advocacy groups and nonprofits will continue to provide resources and assistance to help food vendors understand and implement the Disposable Food Ware Ordinance—there's already dozens that have already converted," said Jennifer Milholen from the Kokua Hawaii Foundation. "But we understand that a short-term delay during this very unpredictable time will help allow other restaurants learn about the new rules as they transition."

Businesses can already access educational resources on implementing the DFWO such as flyers to post in their establishment to educate both employees and the public at: [https://opala.org/solid\\_waste/disposable\\_food\\_ware\\_ordinance.html](https://opala.org/solid_waste/disposable_food_ware_ordinance.html). Many restaurants have already adopted these new practices.

“On behalf of our restaurant partners, the Hawaii Restaurant Association wants to express our gratitude to the Mayor and his office for recognizing the need for a 90-day education period,” said Greg Maples, Chairman of Hawaii Restaurant Association. “Our local restaurant owners and operators are not opposed to increasing sustainability efforts, but the timing of this bill has added an additional hurdle and potential loss of income for restaurant owners and operators during a time when every dollar counts more than ever before. As we move into 2021, we look forward to working closely with our local government officials to ensure they continue to understand the challenges our industry is facing.”

The second phase of the ordinance does not take effect until January 1, 2022 and will prohibit food vendors and businesses from serving, providing, or selling polystyrene foam and disposable plastic food ware, like “clamshell” to-go containers, in addition to the restrictions on disposable plastic service ware. ENV will provide businesses with educational materials in advance of the ordinance’s second phase.

Questions about the Disposable Food Ware Ordinance and the Education Period should be directed to ENV at 768-3200 ext. 6 or [businessrecycle@honolulu.gov](mailto:businessrecycle@honolulu.gov).

More information about the Advisory Group is available at <https://resilientoahu.org/disposable-foodware-advisory-group> and a recording of the November 30 hearing is available at <https://www.youtube.com/watch?v=3o6mZBucD58&feature=youtu.be>. The updated administrative rules will be available on ENV’s website (<https://opala.org>) once finalized.