

PWF provides testimony on rules to implement the Plastic Disposable Foodware ordinance.

On December 31, 2018, the County of Maui implemented the ban on polystyrene foam food service containers.

Subsequently, on April 17, 2020, the Maui County Council expanded the ordinance to include a ban on plastic disposable foodware, which included utensils.

The enabling legislation will take effect January 1, 2022. Accordingly, on July 14, 2021, the Department of Environmental Management held a public hearing to review the Administrative Rules (Rules) that will implement the restrictions for the use of plastic disposable foodware.

PWF provided comments to clarify certain provisions of the proposed Rules to ensure accurate implementation and enforcement of this environmentally sensitive legislation.

PWF requested amendments to definitions as it relates to “Food Service Container”, “foodware,” and “prepacked food.”

1. The Rules defined the term “Food Service Container”, yet in the body of the Rules, it is proposed for deletion and replaced with “plastic disposable foodware”. PWF felt this would cause confusion by defining a term that would be replaced by a different term.
2. The term “foodware” was defined as “Food Service Container including utensils.” PWF felt that “Foodware” should be defined more specifically.
3. Delete the use of the term “designed for one-time use” and replace it with “designed to be discarded after a single or limited number of uses and not designed for long-term multiple re-use.”
  - a. Use of “designed for one-time use” sends the wrong message that could be misinterpreted that a container, which can be used for 2, 3, or 4 times may be permissible.
4. The following new language was added to the definition of “prepackaged food”:
  - a. “Prepackaged food includes “grab-and-go” prepackaged foods such as bentos, salads, and sandwiches. “Prepackaged foods” excludes prepared foods packaged and intended for immediate consumption (e.g., food purchased from a fast-food establishment, food truck, or stand).”
  - b. This new language could exempt additional containers from the ordinance. Furthermore, the new language was not vetted by the County Council and may not be consistent with their original intent for the ordinance.