

April 20, 2016 ~ SBRRB Meeting Checklist

Member Attendance				
	Airline Preference	From	Details	Attend
Anthony Borge, Chair <i>(EP)</i>	NA	Oahu	Parking Pass	Yes
Barbara Bennett, 2nd Vice Chair	HA	Kauai	Parking Pass	No
Kyoko Kimura <i>(EP)</i> <i>(T) attended</i>	HA	Maui	Parking Pass	yes
Harris Nakamoto, Vice Chair	NA	Oahu	NA	No
Director's ex officio - Mark Richey	NA	Oahu	NA	Yes
Robert Cundiff <i>(E)</i>	NA	Oahu	Parking Pass	Yes
Nancy Atmospera-Walch <i>(E)</i>	NA	Oahu	NA	?
Phillip Kasper	HA	Maui	Parking Pass	X
Garth Yamanaka <i>(EP)</i> <i>(T) attended</i> <i>✓ requested travel info</i>	HA	B.I.	Parking Pass	yes

Pre Meeting Checklist	
Conference Room #436 (Confirm each month)	✓
Make 12 - 15 copies of rule packages for board packets	✓
Poll Board Attendance - Working on	✓
Prepare TAF's for Director's approval - ASAP (Linda) - Group TAF = Incorrect	✓
Airline booking ASAP - Linda	✓
Draft Agenda to Chair for approval	✓
Post approved agenda on 1) SBRRB website, 2) State Calendar, 3) Lte. Governor's Office ✓	✓ ✓ ✓
Send Agendas to those people who requested it - IMPORTANT <i>partial</i>	✓
Mail Board Packets to Board members, Deputy AG <i>Done ✓</i>	✓
Include "discussion leader" names on the agendas to Board members only. ✓	✓
Include parking permits in Board members' agenda packets. <i>Done ✓</i>	✓

STAFF				
Margaret Ahn <i>(E)</i>				Yes
Dori Palcovich <i>✓</i>				Yes

Post Meeting Checklist	

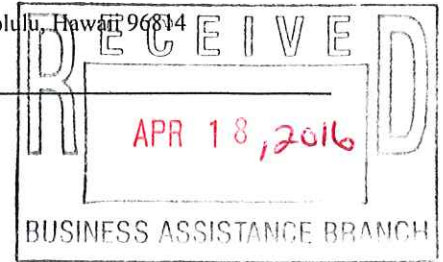
(T) = Travel Request

Visitors Sign-in-Sheet – Small Business Regulatory Review Board – April 20, 2016

	Name	Title	Organization	Email	Phone
1	Dexter Yamada	President	KYO Inc.	dy@kyd-inc.com	836-3221
2	Jay Gold	owner	Jay Gold Unlimited	jay@jygoldunlimited.com	368-1146
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Yummy Restaurant Group 1440 Kapiolani Blvd. Suite 1288, Honolulu, Hawaii 96814
Tel: 808.941.4588 Fax: 808.941.4458 Email: info@yummyrg.com



Small Business Regulatory Review Board
Wednesday, April 20, 2016
No 1. Capitol District Building
250 S. Hotel Street – Conference Room 436

Bill 140, An Ordinance Amending Chapter 20 of the Hawaii County Code 1983 (2005 Edition, As Amended)

**Testimony By: (Insert Testifiers Name)
Position: Oppose**

Dear Small Business Regulatory Review Board Members:

Yummy Restaurant Group was founded in 1986 by Peter Kim. The family-owned business, headquartered in Honolulu, Hawaii, prides itself in offering quality food, great value and courteous service in casual surroundings. Over the years the company has grown to a portfolio of different concepts such as Yummy Korean B-B-Q, Lahaina Chicken Company, Cheeseburger Factory, Steak & Fish Company, Chow Mein Express, Liliha Bakery, The Signature Prime Steak & Seafood Restaurant, and includes 2 national franchises (Subway & KFC).

We oppose Bill 140, while it is specific to Hawaii Island County, it sets a dangerous precedent for restaurant businesses throughout the State. It seeks to ban polystyrene foam foodservice products and mandates the use of compostable foodservice products. The selection of foodservice ware should be the choice of business and customer demand.

Yummy Restaurant Group concepts, using the freshest ingredients, serve food portions that are ample and generous. Compostable products cannot hold many of our foods without “wilting” or absorbing food liquids.

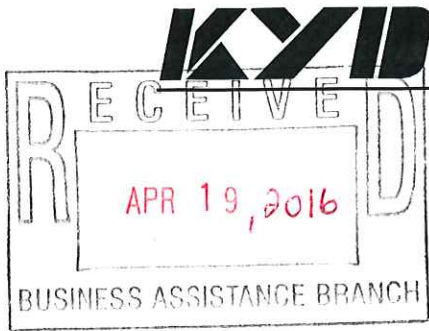
We are able to offer a wide selection of dishes at moderate prices through careful assessment of menu selection, pricing, cost of goods and other overhead expenses. The use of compostable foodservice ware, which can cost 2 or 3 times more than foam products, will increase cost of goods and will eventually result in higher pricing or changes in menu selection.

Please do not support Bill 140. Thank you for the opportunity to present testimony.

Sincerely,

Angela Choi
Director of Marketing.





KYD, Inc. dba k. yamada distributors
An independent leader in packaging and wholesale distribution
P.O. BOX 29669, Honolulu, Hawaii 96820 Phone: (808) 836-3221 Fax: (808) 833-8995

**Small Business Regulatory Review Board
Meeting Agenda
Tuesday, April 20, 2016 – 1:00 pm
No. 1 Capitol District Building
250 S. Hotel Street – Conference Room 436**

BILL 140: "AN ORDINANCE AMENDING CHAPTER 20, OF THE HAWAII COUNTY CODE 1983 (2005 EDITION, AS AMENDED) BY ADDING A NEW ARTICLE RELATING TO REDUCTION OF POLYSTYRENE FOAM "STYROFOAM" FOOD CONTAINERS AND FOOD SERVICE WARE"

Position: Oppose

Chair Borge, and Members of the Small Business Regulatory Review Board:

I am Dexter Yamada, President of KYD Inc, doing business as K Yamada Distributors. Our company is a locally founded, family run business in Kalihi. KYD, Inc. began in the 1940's as a florist and a supplier of florist supplies. In 1958 we evolved into the packaging company we are today and later expanded into a distributor of many other fine products. KYD, Inc and its sister company, Hawaii Foam Products, LLC provide jobs to about 90 – 100 men and women and contribute much to Hawaii's economy in the form of payroll and taxes.

Passage of Bill 140 will impact our workforce since the polystyrene foam food containers (PS foam) are a large part of our market share. We are the only local manufacturer of PS foam foodservice containers in Hawaii. PS foam containers are supplied to food processors, food establishments, supermarkets, hotels, hospitals and other major institutions throughout the State. In addition, we make other types of packaging which are distributed along with a variety of food products and supplies, to include alternative single-use food containers.

PS foam food containers have been approved by the FDA for more than 50 years. The PS foam food containers are:

- Functional, it keeps hot food and drinks hot, and cold drinks cold without leakage or scalding. Alternative products have failed in containing hot foods such as saimin, chili, hot soups and stews. This was demonstrated during an actual test of chili frank plate lunches with a paper product that was not lined with plastic.
- Comprised of 98% air, it is less expensive than compostable products, which cost 2 or 3 times more and does not have the functionality as PS foam.

Bill 140 mandates a ban on PS foam containers and mandates the use of compostable products.

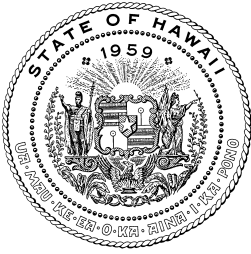
- The free market, business and consumers, should decide their preferences and what they are willing to pay for it.

Bill 140 creates uncertainty for the future direction of our business. We cannot risk capital investments to our manufacturing plant when there are no replacement material for PS foam containers that have the same functionality and low cost.

As a Hawaii business and as residents, we are concerned about all inappropriate litter disposal that harm our land and water resources. This is a litter management problem that must be addressed and supported by strong programs for land-fill diversion. Please do not create a mandated preference for compostable and other alternative food service products to address a litter management problem. This will only change the type of litter in the land-fill, road-side and water ways.

We respectfully request that Bill 140 be opposed by the SBRRB. Thank you for the opportunity to provide this testimony.





SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism (DBEDT)
No. 1 Capitol District Bldg., 250 South Hotel St. 5th Fl., Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Tel 808 586-2594

AGENDA

Wednesday, April 20, 2016 ★ 1:00 p.m.

No. 1 Capitol District Building

250 South Hotel Street - Conference Room 436

David Y. Ige
Governor

Luis P. Salaveria
DBEDT Director

Members

Anthony Borge
Chairperson
Oahu

Harris Nakamoto
Vice Chairperson
Oahu

Barbara Bennett
2nd Vice Chairperson
Kauai

Kyoko Y. Kimura
Maui

Robert Cundiff
Oahu

Nancy Atmospera-Walch
Oahu

Garth Yamanaka
Hawaii

Director, DBEDT
Voting Ex Officio

I. Call to Order

II. Approval of March 16, 2016 Meeting Minutes

III. Legislative Matters

- A. Discussion and Action on Bill No. 140, “An Ordinance Amending Chapter 20, of the Hawaii County Code 1983 (2005 Edition, as Amended), by Adding a New Article Relating to Reduction of Polystyrene Foam “Styrofoam” Food Containers and Food Service Ware,” promulgated by the Department of Environmental Management, County of Hawaii – See Exhibit 1
- B. Status on the following:
 - a. House Bill 774, HD1, SD1, “Relating to Small Business” – Makes an appropriation to the Department of Business, Economic Development and Tourism for the Small Business Regulatory Review Board to hire additional staff
 - b. Governor’s Message 663 – “Submitting for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, Kyoko Kimura, for a term to expire June 30, 2020
 - c. Governor’s Message 738 – “Submitting for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, Nancy Atmospera-Walch, for a term to expire June 30, 2020

IV. Administrative Matters

- A. Discussion and Action of Draft “2016 Periodic Review; Evaluation Report,” in accordance with Section 201M-7, Hawaii Revised Statutes (HRS)
- B. Follow-up and Action of this Board’s Upcoming Advocacy Activities and Program in accordance with the Board’s Powers of Section 201M-5, HRS

V. Next Meeting: Scheduled for Wednesday, May 18, 2016, at 1:00 p.m., Conference Room 436, Capitol District Building, Honolulu, Hawaii

VI. Adjournment

If you require special assistance or auxiliary aid and/or services to participate in the public hearing process (i.e., sign language, interpreter, wheelchair accessibility, or parking designated for the disabled), please call (808) 586-2594 at least three (3) business days prior to the meeting so arrangements can be made.

Exhibit 1



AN ORDINANCE AMENDING CHAPTER 20, OF THE HAWAII COUNTY CODE 1983 (2005 EDITION, AS AMENDED), BY ADDING A NEW ARTICLE RELATING TO REDUCTION OF POLYSTYRENE FOAM "STYROFOAM" FOOD CONTAINERS AND FOOD SERVICE WARE.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Purpose.

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

In view of the detrimental impact of this substance in Hawaii County, it is the purpose of this article to reduce the use of polystyrene foam food containers and food service ware and thereby encourage the use of environmentally preferable alternatives. This will improve environmental quality on the island and reduce solid waste, in accord with goals expressed in both the County's General Plan and its 2010 Zero Waste Plan.

SECTION 2. Chapter 20, Hawaii County Code 1983 (2005 Edition, as amended), is amended by adding a new article to be appropriately designated and to read as follows:

"Article _ . Polystyrene Foam Food Container and Food Service Ware Reduction.

Section 20-_. Definitions.

As used in this article, unless otherwise specified:

"Customer" means a person obtaining prepared food from a food provider.

"Food container" means a container that is used, or is intended to be used, to hold prepared food. "Food container" includes, but is not limited to, a cup, bowl, plate, tray, carton, or clamshell container that is intended for single use.

"Food provider" means any vendor, business, organization, entity, group, or individual operating in the County that offers food or beverages to the public for consumption on or off premises, regardless of whether there is a charge for the food.

"Food provider" includes, but is not limited to, cafeterias, caterers, delicatessens, grocery stores, itinerant restaurants, pushcarts, restaurants, retail food establishments, sales outlets, shops, stores, and vehicular food vendors. "Food provider" also includes cafeterias in private schools and places of employment whether or not such establishments are open to the general public.

"Food service ware" includes plates, bowls, cups, lids, straws, stirrers, forks, spoons, knives, napkins, trays, and other items primarily designed for use in consuming food.

"Polystyrene foam" means a container made of blown polystyrene, and expanded and extruded foams (sometimes called Styrofoam) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of monomer spheres (expanded bead polystyrene), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene), which is used, or is intended to be used, to hold prepared food.

"Prepared food" means any food that is: served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared for consumption, including, but not limited to, beverages, ready to eat, and takeout food.

"Vendor" means any store or business that sells or offers goods or merchandise, located or operating within the County.

Section 20-_. Administration.

The director of the department of environmental management shall administer this article. This shall include providing education, enforcement, and adopting administrative rules that among other things, establish penalties pursuant to chapter 91, Hawai'i Revised Statutes. Administrative rules shall be adopted within one hundred eighty days from the effective date of this ordinance.

Section 20-_. Prohibitions.

- (a) A food provider shall not dispense prepared food to a customer in a polystyrene foam food container on or after January 1, 2018.
- (b) Polystyrene foam food containers and polystyrene foam food service ware shall not be sold or provided by any vendor in the County on or after January 1, 2018."

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall take effect upon approval.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

_____, Hawai'i
Date of Introduction:
Date of 1st Reading:
Date of 2nd Reading:
Effective Date:

REFERENCE Comm. 664