

County of Hawai'i

Polystyrene Foam Food Container & Food Service Ware Reduction Ordinance

Frequently Asked Questions

General Questions

Q. What is a polystyrene foam food container?

A. Polystyrene foam containers are those made from expanded polystyrene (EPS) foam plastic (resin code #6). They are lightweight, generally white in color and heat insulative; often in the shape of cups for hot/cold beverages, plates or plate lunch clamshell containers. Polystyrene foam is often incorrectly called Styrofoam™.

Q. What is a “suitable recyclable or compostable” disposable food service ware?

A. Disposable food service ware is ware that is intended to be single-use and then disposed. Suitable recyclable means plastic material that may be processed into material utilized in the production of new products. Certified compostable means paper/fiber-based or plastic containers that have been certified as compostable in an industrial composting facility by the Biodegradable Products Institute (BPI). Check the manufacturer and food service ware product on the BPI manufacturer & product listing website at <http://products.bpiworld.org/>.

Q. Can I compost the certified compostable food service ware in my backyard composter?

A. Certified compostable food service ware is designed to be composted in a certain period of time in an industrial composting facility with controlled moisture, heat and composting processes. It was not designed for a backyard composter.

Q. What types of food service containers/ware are exempted from this law?

A. Straws, cup lids, bags, wraps, utensils (forks, spoons, knives, and chopsticks), food-related bags and wrappers, packaging for unprepared food, and pre-packaged or pre-sealed items such as bread, cookies, milk, juice, snacks, candy, nuts, fruits, vegetables, or other items typically sold in a grocery store or a food manufacturer's retail location, reusable coolers/ice chests. Also packaging for raw foods such as meat, poultry, seafood and eggs; however ready-to-consume sashimi and poke are not exempted.

Q. Is it illegal to sell/buy empty polystyrene foam food containers or unsuitable recyclable/compostable food service ware?

A. No.

Q. Is there an exemption for non-profits or fundraisers?

A. No.

Q. Can I personally use (non-retail) polystyrene foam or non-recyclable disposable food service ware?

A. Yes. However the County encourages the use of environmentally preferable alternatives such as reusable ware to reduce the amount of non-recyclable waste that enters the waste stream.

Retail Food Establishments & Disposable Food Service Ware

Q. A retail food establishment does not use polystyrene foam food containers, can they use disposable plastic or paper plates and clamshell containers to serve customers food?

A. The retail food establishment must use suitable recyclable or certified compostable containers.

Q. How can one check to see if the food service ware they purchase is certified compostable?

A. Check with your food service ware supplier(s). Certified compostable food service ware is labeled (either on the individual item or on the packaging for the ware) with the BPI certified compostable logo. Additionally one can check the manufacturer and food service ware product on the BPI manufacturer & product listing website at <http://products.bpiworld.org/>.

County Facility Users

Q. If I reserve a pavilion, campsite or street/sidewalk on County owned and/or operated property do I have to comply with the Polystyrene Foam Food Container & Food Service Ware Reduction Ordinance?

A. Yes. All county facility users who require a County permit must adhere to the law. They are prohibited from using polystyrene foam food containers and must use suitable recyclable or compostable food containers.

Q. What if I do not have a permit to reserve or rent a pavilion, campsite or street/sidewalk, am I restricted in the types of food service ware that I use?

A. No. However the County encourages facility users to use reusable food service ware to reduce rubbish generation and prevent litter.

Q. I am participating in an event (fair, sports, cultural or other type) at a County facility and we will have a food concession at the event, will we be required to use suitable recyclable or compostable food containers?

A. Yes. Whether you are the organizer or one of the concessions at a permitted event at a County facility you are required to use suitable recyclable or compostable food containers.