

## City and County of Honolulu Department of Environmental Services Disposable Food Ware Ordinance Exemption Application

The Disposable Food Ware Ordinance, Ordinance 19-30, regulates the use and sale of polystyrene foam food ware, disposable plastic service ware, and disposable plastic food ware in the City and County of Honolulu (City).

### Effective January 1, 2021:

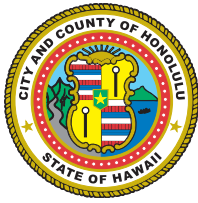
- Polystyrene foam food ware cannot be sold or provided, or offered for sale or use at any City facility, City-authorized concession, City-sponsored or City-permitted event, or City program.
- Disposable plastic service ware cannot be sold, served, or provided to customers by any food vendor in the City.
- Disposable service ware may be provided or distributed by a food vendor only upon the request or affirmative response of a customer or person being provided the prepared food or beverage, or in a self-service area or dispenser.

### Effective January 1, 2022:

- No food vendor in the City shall sell, serve, or provide prepared food in any polystyrene foam food ware and in disposable plastic food ware to customers.
- Polystyrene foam food ware, disposable plastic service ware, and disposable plastic food ware cannot be sold by any business in the City except for: (1) packaging for raw meat, raw poultry, raw seafood, unprepared produce and uncooked eggs; (2) packaging for prepackaged food and shelf stable food; and (3) non-compliant products sold to a food vendor who has been granted an exemption for said products under Section 41-27.3, Revised Ordinances of Honolulu (ROH).

In accordance with ROH Sections 41-27.3(a) and (b) and 41-27.4(b), the Department of Environmental Services (ENV) may grant an exemption from compliance to a food vendor, business, or food industry applicant for up to two years. Applicants must provide sufficient evidence if requesting an exemption because there are no reasonable compliant alternatives and/or compliance with ROH Sections 41-27.2 and/or 41-27.4 would cause significant hardship. An industry exemption may be granted upon application and provision of sufficient evidence that compliance with ROH Section 41-27.2 would cause hardship to the food service industry. **To apply for an exemption, please complete the department-issued application form, which can be downloaded at [www.opala.org](http://www.opala.org), and provide supporting documentation for the request.**

For refuse and recycling information, visit [www.opala.org](http://www.opala.org). For assistance regarding the exemption process and/or the Disposable Food Ware Ordinance, please email ENV's Recycling Branch at [businessrecycle@honolulu.gov](mailto:businessrecycle@honolulu.gov) or call 768-3200 ext. 6.



## DISPOSABLE FOOD WARE ORDINANCE EXEMPTION FORM

Exemption from Compliance with Sections 41-27.2 and 41-27.4, Revised Ordinances of Honolulu

To read Ordinance 19-30, visit here:

[https://www.opala.org/solid\\_waste/pdfs/Ordinance\\_19-30.pdf](https://www.opala.org/solid_waste/pdfs/Ordinance_19-30.pdf)

For more information, visit ENV's website here:

[https://www.opala.org/solid\\_waste/disposable\\_food\\_ware\\_ordinance.html](https://www.opala.org/solid_waste/disposable_food_ware_ordinance.html)

**Date of Application:** \_\_\_\_\_

**This application shall be applicable for an exemption request by the following:**

*(Please check the exemption requested.)*

1. Food Vendor  Select A or B
2. Food Service Industry  Select C

**Name of Applicant:** \_\_\_\_\_

**Contact Name:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **ZIP Code:** \_\_\_\_\_

**Physical Address (if different from above):** \_\_\_\_\_

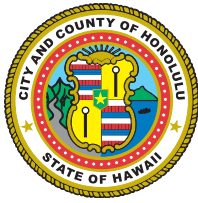
**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **ZIP Code:** \_\_\_\_\_

**Phone Number (include area code):** \_\_\_\_\_

**E-mail Address:** \_\_\_\_\_

**Number of food vendor locations included in this application:** \_\_\_\_\_

*(If more than one location, please list names, addresses, and business registration certificate numbers for each location.)*



**Name(s), address(s) and business registration certificate number(s) of each location included in this application:**

*(Provide a copy of the business registration certificate for each location.)*

**1. Is this a new application?**

Yes     No

**2. Is this an application to renew an existing exemption?**

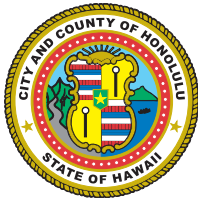
Yes     No

*If yes, please provide a copy of prior exemption and describe the applicant's efforts to become compliant.*

**3. Is this a resubmittal of an application?**

Yes     No

*If yes, please state the reason(s) for resubmittal:*



4. Describe the polystyrene foam ware, disposable plastic service ware, or disposable plastic food ware for which the applicant seeks an exemption.

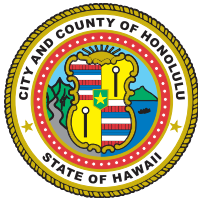
5. Identify and describe the prepared food the applicant intends to sell, serve, or provide in the non-compliant product.

**TYPE OF REQUEST FOR EXEMPTION (A – C)**

*(Check the exemption most applicable.) If more space is needed, please indicate “see attachment” on the available space and attach supporting documents.*

**A –  NO REASONABLE ALTERNATIVES AVAILABLE – applies to food vendors.**

1. Provide a detailed statement explaining why the applicant cannot use a compliant product to sell, serve, or provide the prepared food.



2. Provide a detailed statement of the factual basis to support the requested determination that there is no reasonable alternative to the use of the non-compliant product.

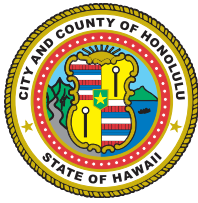
3. Provide copies of all exemptions issued to the applicant under Art. 27, Ch. 41 of the ROH.

**B —  SIGNIFICANT HARDSHIP – *applies to food vendors.***

1. Provide a detailed statement explaining the significant hardship that would be caused by using the compliant alternative, including but not limited to financial loss, logistics and personnel issues because there is no affordable compliant alternative.

2. Provide a detailed statement of the factual basis to support the requested determination that the use of a compliant product would cause the applicant significant hardship and that there is no affordable compliant alternative.





Please print, sign and date application. Include supporting documents with the application. Per ENV Administrative Rule, §13-1-3, submissions must be mailed or delivered to the address below:

City and County of Honolulu  
Department of Environmental Services  
Attn: Refuse Division  
1000 Uluohia Street, Suite 308  
Kapolei, Hawaii 96707

**I hereby certify that the statements in this application are true and correct the best of my knowledge. By signing below, I represent that I am authorized to submit this application on behalf of the applicant.**

**Print Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_  
**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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**Official Department Decision:**

**Application Status:**      Approved/Granted     Yes       No

**Department Signature:** \_\_\_\_\_ **Decision Date:** \_\_\_\_\_