

DISPOSABLE FOOD WARE ORDINANCE

The Disposable Food Ware Ordinance (DFWO) began as Bill 40, which passed in City Council with a vote of 7-2. It was signed into law on December 15, 2019 as **Ordinance 19-30**, and it has since been termed the Disposable Food Ware Ordinance. The intent of this ordinance is to protect human safety and welfare and to improve environmental quality on the island, in the neighboring marine environment, and globally. The DFWO affects all food vendors and businesses operating within the City & County of Honolulu (City).

The DFWO amends the O'ahu Plastic Bag Ban (PBB) and restricts the use and sale of polystyrene foam food ware, disposable plastic food ware and disposable plastic service ware. It also dictates when disposable service ware may be provided.

Visit the DFWO webpage at [opala.org](https://www.opala.org) to read the DFWO, PBB, Frequently Asked Questions (FAQ), ENV Administrative Rules (coming December 2020), and to print posters: https://www.opala.org/solid_waste/disposable_food_ware_ordinance.html

Effective January 1, 2021:

■ The DFWO amends the PBB definitions for “plastic checkout bag” and “plastic film bag,” both of which contain revisions to six exemptions, including exemptions regarding food products (ROH Section 9-9.1).

■ No food vendor shall sell, serve, or provide disposable plastic service ware to customers (ROH Section 41-27.2).

■ A food vendor may only provide or distribute disposable service ware for prepared food or beverage:

- upon request or affirmative response of a customer or person being provided prepared food or beverage, or
- in a self-service area or dispenser (ROH Section 41-27.5).

■ Polystyrene foam food ware shall not be sold, provided, or offered for sale or use at any City facility, City-authorized concession, City-sponsored or City-permitted event, or City program (ROH Section 41-27.2).

Exemptions Effective January 1, 2021

■ **Food vendors participating in City functions may use polystyrene foam food ware for:** raw meat, raw poultry, raw seafood, unprepared produce, uncooked eggs, prepackaged food, shelf stable food, catered food, packaging in any situation deemed by the City to be an emergency, polystyrene foam coolers and ice chests specifically designed and manufactured for multiple re-use, soup or noodles packaged with polystyrene foam that has been filled and sealed prior to receipt by the food vendor.

■ **Food vendors may use disposable plastic service ware for:** items contained within or attached to packaging (such as a beverage box straw), medical or physical conditions (regarding straws only – see following bullet).

■ Any food vendor may provide disposable plastic straws, upon request, to customers for whom non-plastic straws are unsuitable due to medical or physical conditions. The following entities are exempt from all disposable plastic straw restrictions (as defined in the DFWO): hospitals, nursing facilities, assisted living facilities, adult residential care homes, hospice service agencies, hospice homes, home health agencies, and home care agencies.

■ To apply for an exemption for *situations with no reasonable alternatives available*, an exemption due to *significant hardship*, or an *Industry Exemption*, visit [opala.org](https://www.opala.org) in December 2020 to download the form.

Effective January 1, 2022:

■ No food vendor shall sell, serve, or provide prepared food in polystyrene foam food ware or disposable plastic food ware to customers (Section 41-27.2).

■ No businesses shall sell polystyrene foam food ware, disposable plastic service ware, or disposable plastic food ware (See Section 41-27.4 for exceptions).

■ All other non-regulated items and exemptions that are effective January 1, 2022 will be detailed in the next informational mailer, which will be distributed summer 2021. Please read the DFWO and FAQ on [opala.org](https://www.opala.org) for these exclusions.



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