



**OFFICE OF THE MAYOR  
THE COUNTY OF KAUA'I**

**DEREK S. K. KAWAKAMI, MAYOR  
MICHAEL A. DAHLIG, MANAGING DIRECTOR**

**POLICY TO PROHIBIT THE PURCHASE, USE, OR DISTRIBUTION OF  
DISPOSABLE PLASTICS ON COUNTY PROPERTY**

**Section 1. Purpose and Findings.**

WHEREAS, disposable plastic is neither degradable nor compostable and disposal of such waste poses a significant risk to the environment and life forms throughout the food chain. Disposable plastic has significant negative impacts on the environment, and contributes to the potential death of marine animals and avian populations through ingestion.

WHEREAS, the Mayor finds and declares that the County shall prohibit the purchase, use, or distribution of disposable plastics with County funds, at County permitted events, by County employees, or by County Facility Users. This shall be done in order to protect the County's unique environment, the health and welfare of its marine and avian life, and to promote public health, reduce litter, and reduce greenhouse gas emissions. Therefore the County will invest in environmentally preferred alternatives to disposable plastics.

**Section 2. Definitions.**

“ASTM Standard” means the American Society for Testing and Materials (ASTM)

“ASTM Standard D6400” means the ASTM specification for plastics and products made from plastics that are designed to be composted in municipal and industrial aerobic composting facilities

“ASTM Standard D6868” means the ASTM specification establishing the requirements for labelling of materials and products (including packaging), wherein a biodegradable plastic film or coating is attached to compostable substrates and the entire product or package is designed to be composted in municipal and industrial aerobic composting facilities.

“Bottled Water” means drinking water in a sealed Rigid Plastic Bottle having a capacity of 21 fluid ounces or less.

“Compostable” means materials that are able to undergo biological decomposition or become part of usable compost in a safe and timely manner, either in an appropriate composting program or facility, or in a home compost pile or device. For foodservice containers containing plastics to qualify as compostable, such food service containers must meet ASTM Standard D6400 for Compostable Plastics, or ASTM Standard D6868 for biodegradable plastic film, as amended.

“County Facility” means any building, structure, or vehicle owned and operated by the County, its agents, agencies, and departments and includes County buildings, structures, parks, recreation facilities, or property.

“County Facility Users” means all persons, societies, associations, organizations, or special event



promoters who require a permit or reservation to use or rent a County facility or a permit or contract to use a sidewalk or roadway. County facility users also include concession contracts with the County at County facilities, County managed concessions, County sponsored events, charitable fundraisers at County facilities, concessions at County sporting facilities, and food services provided at County expense.

“Director” means the Director of Finance.

“Disposable Plastic” means Bottled Water, Plastic Bags, Plastic Beverage Straws, Plastic Cutlery, Plastic Food Service Containers, and Plastic Stirrers defined herein.

“Plastic Bag” means a bag made of plastic used to transport or protect items for a single use. Examples include umbrella bags and goodie bags for events. Does not include trash bags used for janitorial purposes or produce bags used at Farmers Markets for bulk produce.

“Plastic Beverage Straw” means a tube made predominantly of plastic derived from petroleum for transferring a beverage from its container to the mouth of the drinker. “Plastic Beverage Straw” does not include compostable polymer straws or those that are made from non-plastic materials, such as paper, grain stalks, bamboo, etc.

“Plastic Cutlery” means any utensil, such as a fork, spoon, spork, or knife, made predominantly of plastic derived from petroleum intended for only one-time use. “Plastic cutlery” does not include compostable polymer forms of cutlery, or those that are made from cutlery that are made from non-plastic materials, such as wood, bamboo, etc.

“Plastic Food Service Container” means plates, trays, cups, bowls, cartons, and hinged or lidded containers (clamshells) made predominantly of plastic derived from petroleum on or in which any foods or beverages are placed or packaged or intended to be placed or packaged and designed for one-time use. “Plastic Food Service Container” does not include compostable food service containers or those that are made from non-plastic materials, such as paper, grain stalks, bamboo, etc.

“Plastic Stirrer” means a device that is used to mix beverages, intended for only one-time use, and made predominantly of plastic derived from petroleum. “Plastic stirrer” does not include compostable polymer stirrers, or stirrers that are made from non-plastic materials, such as wood, bamboo, etc.

### **Section 3. Purchase, Distribution, or Use of Disposable Plastics Prohibited.**

- A. County agencies and other authorized entities using County facilities are prohibited from purchasing and distributing disposable plastics, including bottled water, plastic beverage straws, stirrers, cutlery, food service ware, and plastic bags. This shall include purchases made for County offices, facilities, county events, and events funded by the County through grants or other means.
- B. The Mayor reserves the right to update this policy and add products to the list of disposable plastics that are prohibited from purchase.

C. This policy shall take effect on January 1, 2021.

**Section 5. Required Use of Reusable or Compostable Alternatives.**

- A. As of effective date of this policy, County agencies and other authorized entities shall purchase suitable reusable or compostable alternatives to disposable plastics unless there is no suitable alternative as determined by the Director.
- B. With the passage of the policy, the Director shall furnish a list of acceptable compostable alternatives for each product type.

**Section 6. Exemptions.**

This policy shall not apply to any of the following:

- A. Purchase of plastic bags for the collection of trash and plastic utility gloves.
- B. Catered food purchased by the County where it has been determined that specific items or types of disposable food service ware does not exist for a specific application and/or that imposing the requirements of this ordinance on that item or type of disposable food service ware would cause undue hardship as determined by the Director.
- C. Products in any situation deemed by the County to be an emergency requiring the immediate preservation of life, health, property, safety, or essential public services. This exemption shall be in place until the emergency has ceased or the Mayor has determined the exemption is no longer applicable to the situation.