



HOUSE OF REPRESENTATIVES

TWENTY-SECOND LEGISLATURE

COMMONWEALTH OF THE NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

P.O. BOX 500586 SAIPAN, MP 96950

DENITA K. YANGETMAI
CHAIRPERSON
COMMERCE AND TOURISM COMMITTEE

STANDING COMMITTEE REPORT NO. 22-12
DATE: MAY 14, 2021
RE: HOUSE BILL No. 22-10

The Honorable Edmund S. Villagomez
Speaker of the House of Representatives
Twenty-Second Northern Marianas
Commonwealth Legislature
Capitol Hill
Saipan, MP 96950

Dear Mr. Speaker:

Your Committee on Commerce and Tourism to which House Bill No. 22-10 was referred, entitled:

“To prohibit the use of certain disposable food service containers.”

begs leave to report as follows:

I. RECOMMENDATION:

After considerable discussion, your Committee recommends that H. B. No. 22-10 be passed by the House in its current form.

HOUSE CLERK'S OFF.
RECEIVED BY *[Signature]*
DATE *05/21* TIME *10:19am*

II. ANALYSIS:

A. Purpose:

The purpose of House Bill No. 22-10 is to prohibit the use of certain disposable food service containers.

B. Committee Findings:

Your Committee finds that Expanded Polystyrene (EPS) or Styrofoam, is a petroleum-based non-biodegradable foam, which the United States Environmental Protection Agency (EPA) and International Agency for Research on Cancer consider styrene a “possible human carcinogen” and “that such materials can have serious impacts upon human health, wildlife, and aquatic environment, and the economy.”

Your Committee further finds that Expanded Polystyrene is expensive to recycle and is not biodegradable, and has been shown to leach harmful chemicals into food and beverages. The CNMI has no economically feasible means of recycling polystyrene foam locally, thus a majority of used polystyrene foam end up in our land fill. In addition, Expanded Polystyrene is a common environmental pollutant that poses a risk to the fragile ecological balance, since marine and land wildlife often perish as a result of ingesting Expanded Polystyrene products. This risk can occur over and over again since Expanded Polystyrene remains in the ecosystem for a very long time. According to the EPA, as styrene leaches from landfills into our drinking water, it causes liver, kidney, or circulatory system problems. The manufacture and use of polystyrene foam is contributing to the degradation of our environment, a consequence which was neither foreseen or predicted with the introduction of this material. The primary negative attribute of polystyrene foam is that it is non-biodegradable and persists in the environment for decades. Thus, the polystyrene foam litter seen today will still be around several years from now, accumulating rather than biodegrading. It breaks into small, lightweight pieces that may be picked up by the wind even when it has been disposed of properly, and flow or be flown into the Pacific Ocean, contributing to water quality and habitat protection concerns.

Health hazard - Polystyrene is based on styrene, a neurotoxin and probable carcinogen based on benzene. Styrene is classified a known hazardous substance and has many ties to cancer (it's hard to conclusively tie a distinct chemical to cancer, since cancer is still very difficult to understand and testing is done on non-human animals). Styrene leaching increases with temperature and with certain foods (alcohol, oils or fat). Other risks include synthetic chemical additives such as colorants.

Environmental hazard - The foam form in particular is often mistaken as food by both domesticated and wild animals. Birds may also use foam for nesting material. Untold numbers of animals die per year by ingesting polystyrene and other plastic items. It does not biodegrade, it just fractures into smaller and smaller bits called "microplastics." These small particles present the greatest long-term danger, as these particles displace food supplies in the world's oceans. Once microplastics enter our oceans, they will stay there virtually forever, because they persist and their removal is not possible.

Your Committee finds that it is in the best interest of the health, safety and welfare of the people that regulations prohibit the use of certain expanded polystyrene food service products and disposable food service ware to reduce the cost of solid waste disposal; to protect our fragile environment and ecosystems; and our wildlife and marine life.

Your Committee further finds that beginning January 1, 2023, a food establishment may not process, prepare, sell or provide food or beverages in or on a disposable food service container that is composed in whole or in part of polystyrene foam. However, exemptions include:

- (a) In an emergency for the immediate preservation of the public health or safety, as determined applicable by the division, process, prepare, sell or provide food or beverages in or on a disposable food service container that is composed in whole or in part of polystyrene foam; and
- (b) Sell at retail food or beverages in or on a disposable food service container that is composed in whole or in part of polystyrene foam that the food establishment purchases prepackaged at wholesale.

Due to concerns mentioned above, nearly 100 cities have banned polystyrene foam food service ware including several California cities, and many local businesses and several national corporations have successfully replaced polystyrene foam and other non-biodegradable food service ware with affordable, safe, biodegradable product.

Bans on polystyrene food items are in place all over the world: in major cities such as Oakland, San Francisco, and Chicago; in the neighboring states of Maine, New York, and Vermont; and countries such as China, India, and Taiwan.

Effective ways to reduce the negative environmental impacts of throwaway food service ware include reusing food service ware and using compostable and biodegradable take-out materials made from renewable resources such as paper, corn starch and sugarcane.

The purpose of this Act is to prohibit the use of certain disposable food service containers beginning January 1, 2023 to allow food establishments to adjust/exhaust their inventory and to seek environmentally safer disposable food service containers. Therefore, your Committee concurs with its findings and purpose and recommends that the House pass House Bill No. 22-10 in its current form.

C. Public Comments/Public Hearing:

Comments were received from the following:

- 1) Mr. James Ada, Secretary, Department of Public Works

“The Department of Public Works supports a Bill that promotes the use of eco-friendly products that are recyclable in nature that would not harm our beautiful island environment.”

- 2) Mr. Joe C. Guerrero, President, Saipan Chamber of Commerce Board

“The Saipan Chamber of Commerce maintains its position from 2/27/20 in supporting the intent of this bill and offering recommendations.”

Comments have been attached as part of this committee report.

D. Legislative History:

House Bill No. 22-10 was formally introduced to the full body of the House on February 19, 2021 by Rep. Ivan A. Blanco and was subsequently referred to the House Standing Committee on Commerce and Tourism for disposition.

A similar legislation, namely House Bill 21-89, was introduced in the House and subsequently referred to the House Standing Committee on Commerce and Tourism. After further deliberation, the House passed the legislation in its current form on December 15, 2020 and was subsequently transmitted to the Senate soon after. No further action was taken.

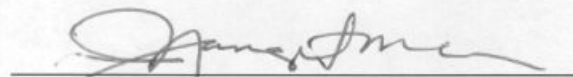
E. Cost Benefit:

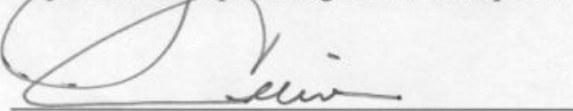
The enactment of House Bill No. 22-10 will result in minimal costs to the CNMI Government in the form of additional staffing and other resources for enforcement purposes. Polystyrene is cheaper than some alternatives. However, the environmental expense of polystyrene far exceeds the cost.


III. CONCLUSION:

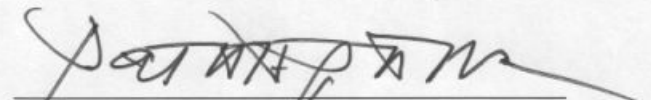
The Committee is in accord with the intent and purpose of H. B. NO. 22-10, and recommends its passage in its current form.

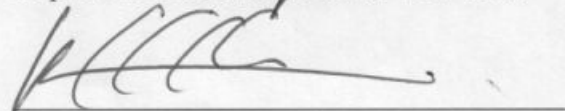
Respectfully submitted,



Rep. Denita Kaipat Yangetmai, Chairperson


Rep. Celina R. Babauta, Member



Rep. Richard T. Lizama, Member


Rep. Patrick H, San Nicolas, Vice Chair


Rep. Vicente C. Camacho, Member


Rep. Ralph N. Yumul, Member

Reviewed by:


House Legal Counsel

Attachment: Comments dated April 5, 2021: Mr. James Ada, Secretary, DPW
Comments dated March 16, 2021: Mr. Joe C. Guerrero, President, SCC Board



Commonwealth of the Northern Mariana Islands
Office of the Secretary of Public Works
2nd floor - Oleai Joeten Commercial Center
Saipan, MP 96950



April 05, 2021
Serial No. PW21-0346

The Honorable Denita Kaipat Yangetmai
Chairwoman
Committee on Commerce and Tourism
House of Representative
22nd Northern Marianas Commonwealth Legislature
P.O. Box 500588
Saipan, MP 96950

Handwritten signature and date: JAW 4/5/21

Subject: House Bill No. 22-10

Dear Representative Yangetmai:

Thank you for giving the Department of Public Works the opportunity to comment on House Bill No. 22-10, entitled, "To prohibit the use of certain disposable food service containers."

The Division of Solid Waste Management under the Department of Public Works is always exploring ways to maximize and recycle waste products such as glass, metal, plastic, cardboard, tires and other products. By practicing the Reduce, Reuse and Recycle, we are helping to extend the life of the Marpi Landfill and the environment.

The Division of Solid Waste Management encourages and supports the **use of eco friendly products that are biodegradable** as replacement to certain disposable food service containers (Styrofoam). **Switching to reusable packaging such as paper wrappings and containers that are recyclable will help the environment** as opposed to Polystyrene (EPS) or Styrofoam take-out containers and cups that are difficult and costly to recycle, and there is no market. In addition, DPW is concerned that the foam can break down into tiny pieces and because it is so light, it can drift into local waterways, polluting our drainage system, beaches and ocean that can impact our marine wildlife.

The Department of Public Works supports a Bill that promotes the use of eco friendly products that are recyclable in nature that would not harm our beautiful island environment.

Sincerely,

JAMES A. ADA
Secretary of Public Works



SAIPAN CHAMBER OF COMMERCE

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March 16, 2021

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Representative Ivan Blanco
21st Commonwealth of the Northern Marianas Legislature
P.O. Box 500586
Saipan, MP 96950

Dear Representative Blanco,

The Saipan Chamber of Commerce (SCC) Board of Directors respectfully submits our position on the following bill: *House Bill 22-10: "To Prohibit the Use of Certain Disposable Food Service Containers."* **The Saipan Chamber of Commerce maintains its position from 2/27/20 in supporting the intent of this bill and offering recommendations.**

The SCC acknowledges the negative impacts of petroleum-based, non-biodegradable foam in our waste system, and agrees as a Commonwealth we should deter the importation of Styrofoam-based products. Rather than banning the use and importation of Styrofoam, the SCC supports incentivizing wholesalers and businesses to import biodegradable, environment-friendly products through tax incentives. Because these items are more costly to purchase and import, providing tax relief would make products' cost more comparable to Styrofoam, which ultimately leads to less cost on the end consumer—our people. This action would show the CNMI Government cares equally as much about investing in our future as the businesses who would then choose to participate for the betterment of our environment.

Along with the above recommendation, SCC also calls for more outreach to the public to educate them on the benefits of changing behaviors to support initiatives that are more environmentally conscious. Joeten Enterprises' "Taya Plastic Tuesday," along with their mass production of reusable bags is a great example of a business leading the way to help encourage the public to change their behavior. By educating the public to make changes in the way they consume products while working alongside businesses to make socially conscious imports more economically viable will make it so we are choosing to invest in our island's well-being, rather than being regulated to.

SCC is proud to support a bill that will lead to a healthier, more socially conscious island. Thank you for considering our comments: we appreciate the opportunity to give our opinions on how this bill affects the business climate of our island.

Regards,

Joe C. Guerrero
President, SCC Board of Directors

8/16/21

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 19, 2021

First Regular Session, 2021

H. B. 22-10

A BILL FOR AN ACT

To prohibit the use of certain disposable food service containers.

**BE IT ENACTED BY THE 22ND NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings.** The legislature finds that expanded Polystyrene (EPS)
2 or Styrofoam, is a petroleum-based non-biodegradable foam, which the
3 Environmental Protection Agency and International Agency for Research on
4 Cancer consider styrene a “possible human carcinogen” and “that such materials
5 can have serious impacts upon human health, wildlife, and aquatic environment,
6 and the economy.”

7 The legislature further finds that polystyrene is a type of plastic that includes
8 Styrofoam and is expensive to recycle and is not biodegradable, and has been
9 shown to leach harmful chemicals into food and beverages. The CNMI has no
10 economically feasible means of recycling polystyrene foam locally, thus a majority
11 of used polystyrene foam end up in our land fill. In addition, Expanded Polystyrene
12 is a common environmental pollutant that poses a risk to the fragile ecological
13 balance, since marine and land wildlife often perish as a result of ingesting

1 Expanded Polystyrene products. This risk can occur over and over again since
2 Expanded Polystyrene remains in the ecosystem for a very long time.

3 The legislature finds that it is in the best interest of the health, safety and
4 welfare of the people that regulations prohibit the use of certain expanded
5 polystyrene food service products and disposable food service ware to reduce the
6 cost of solid waste disposal; to protect our fragile environment and ecosystems; and
7 our wildlife and marine life.

8 Accordingly, the purpose of this Act is to prohibit the use of certain
9 disposable food service containers beginning January 1, 2023 to allow food
10 establishments to adjust/exhaust their inventory and to seek environmentally safer
11 disposable food service containers.

12 **Section 2. Enactment.** Subject to codification by the CNMI Law Revision
13 Commission, the following new provision is hereby enacted:

14 **“Disposable Food Service Containers.**

15 **§101. Definitions.** As used in this Act, unless the context otherwise
16 indicates, the following terms have the following meanings.

17 (1) “Consumer” means an individual who purchases or accepts food
18 or beverages for use or consumption.

19 (2) “Disposable food service container” means service ware
20 designed for one-time use.

1 (a) "Disposable food service container" includes service
2 ware for take-out foods, packaged meat, eggs, bakery products and
3 leftovers from partially consumed meals prepared by food vendors.

4 (b) "Disposable food service container" does not include
5 polystyrene foam coolers or ice chests that are used for the
6 processing or shipping of seafood.

7 (3) "Food establishment". Food establishment means a retail,
8 wholesale or other establishment that processes, prepares, sells or provides
9 food or beverages. "Food establishment" includes, but is not limited to:

10 (a) Convenience stores, restaurants, grocery stores, markets,
11 delicatessens and retailers of merchandise and dry goods that sell or
12 provide food or beverages to consumers;

13 (b) Food pantries, churches, community organizations,
14 catered events, seasonal or temporary businesses such as
15 agricultural fairs or farmers' markets and events that provide food or
16 beverages without charge; and

17 (c) Any place that manufactures, processes, prepares,
18 bottles, packages, handles or stores food or beverages for retail sale
19 or wholesale sale.

20 Food establishment does not include a hospital as defined under
21 Title 3, Division 2 § 2822 (f).

1 (4) “Polystyrene foam” means blown polystyrene and expanded or
2 extruded foams using a styrene monomer.

3 (5) “Service ware” means a container, bowl, plate, tray, carton, cup,
4 lid, sleeve, stirrer or other item designed to be used to contain, transport,
5 serve or consume prepared foods.

6 **§102. Prohibition; exemptions.**

7 (1) Beginning January 1, 2023, a food establishment may not
8 process, prepare, sell or provide food or beverages in or on a disposable
9 food service container that is composed in whole or in part of polystyrene
10 foam.

11 (2) Exemptions. Notwithstanding Subsection 101, a food
12 establishment may:

13 (a) In an emergency for the immediate preservation of the
14 public health or safety, as determined applicable by the division,
15 process, prepare, sell or provide food or beverages in or on a
16 disposable food service container that is composed in whole or in
17 part of polystyrene foam; and

18 (b) Sell at retail food or beverages in or on a disposable food
19 service container that is composed in whole or in part of polystyrene
20 foam that the food establishment purchases prepackaged at
21 wholesale.

1 **§103. Penalty; rules.**

2 (1) Penalty. A violation of this Act is a civil violation for which a
3 fine of not more than \$100 may be imposed.

4 (2) Rules. The Bureau of Environmental and Coastal Quality,
5 Division of Environmental Quality may promulgate rules and regulations to
6 implement the provisions of this Act.”

7 **Section 3. Severability.** If any provisions of this Act or the application of
8 any such provision to any person or circumstance should be held invalid by a court
9 of competent jurisdiction, the remainder of this Act or the application of its
10 provisions to persons or circumstances other than those to which it is held invalid
11 shall not be affected thereby.

12 **Section 4. Savings Clause.** This Act and any repealer contained herein shall
13 not be construed as affecting any existing right acquired under contract or acquired
14 under statutes repealed or under any rule, regulation, or order adopted under the
15 statutes. Repealers contained in this Act shall not affect any proceeding instituted
16 under or pursuant to prior law. The enactment of the Act shall not have the effect
17 of terminating, or in any way modifying, any liability, civil or criminal, which shall
18 already be in existence on the date this Act becomes effective.

1 **Section 5. Effective Date.** This Act shall take effect upon its approval by
2 the Governor, or its becoming law without such approval.

Prefiled: 1/27/2021

Date: 1/27/2021

Introduced by: /s/ Rep. Ivan A. Blanco
/s/ Rep. Roy C.A. Ada
/s/ Rep. Blas Jonathan "BJ" T. Attao
/s/ Rep. Joel C. Camacho
/s/ Rep. Angel A. Demapan
/s/ Rep. Joseph Leepan T. Guerrero
/s/ Rep. John Paul P. Sablan

Reviewed for Legal Sufficiency by:

/s/ John F. Cool
House Legal Counsel