



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

House Committee on Health

HB 2082, RELATING TO BOTTLED WATER

**Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health**

**January 26, 2010
9:00am**

1 **Department's Position:** The Department respectfully opposes this bill.

2 **Fiscal Implications:** As yet unquantified funds to support the proposed amendment.

3 **Purpose and Justification:** This bill amends HRS Chapter 328D by introducing new language
4 requiring bottled water labeled with the date of bottling.

5 The Department believes the bill is not required as it does not address a public health concern.
6 Bottled water is a highly regulated food item which is routinely tested for bacterial and chemical
7 contamination. It is considered a **non**-potentially hazardous food with a long and stable shelf life.
8 Although not required, several local bottling companies indicate an expiration date on their product to
9 address quality issues **not** health issues.

10 The U.S. Food and Drug Administration requires that all water bottlers maintain records on lot
11 codes and distribution lists of finished product to wholesale and retail outlets. In the event of a recall,
12 specific lots can be identified and quickly removed from sale.

13 The Department must prioritize and concentrate on public health issues with the highest risk;
14 especially now as we face reduction-in-force and furloughs.

15 We thank you for the opportunity to testify.



Representative Ryan Yamane, Chair
House Committee on Health

January 26, 2010 - 9:00 AM
Hawaii State Capitol, Conference Room 329

RE: HB 2082 – Relating to Bottled Water

Chair Yamane, Vice Chair Nishimoto, and members of the Committee:

Thank you for the opportunity to provide some additional information on HB 2082, a bill relating to bottled water. **The American Beverage Association opposes this bill:** the additional bottled water labeling requirements set forth in this legislation are unnecessary, would exceed, and, in some cases, violate federal requirements, and would be unnecessarily costly and burdensome to the beverage industry.

The American Beverage Association (ABA) is the trade association representing the non-alcoholic beverage industry. Founded in 1919, ABA represents hundreds of beverage producers, distributors, franchise companies and supporting businesses that employ more than 217,000 people across the country. The beverage companies throughout Hawaii directly employ over 500 workers and indirectly impact the jobs of thousands of others across the state.

Bottled Water is a Heavily Regulated Food Product

Federal bottled water regulations provide protection of consumers' health and prevent product misrepresentation. The U.S. Food and Drug Administration (FDA) sets standards for bottled water governing water quality, labeling and manufacturing practices. The U.S. Environmental Protection Agency (EPA) has separate standards for drinking (tap) water. Through the oversight exercised by both FDA and EPA, bottled water is among the most highly regulated and controlled food products.

FDA States Further Labeling Requirements are Unnecessary

The FDA has stated that bottled water is considered to have an indefinite safety shelf life if it is produced in accordance with current good manufacturing practices and quality standard regulations and is stored in an unopened, properly sealed container. Therefore, FDA does not require an expiration date for bottled water. In addition, Federal law expressly preempts non-identical state requirements for foods subject to federal food standards. However, because long-term storage of bottled water may result in aesthetic defects, such as off-odor and taste, many bottlers may voluntarily put expiration dates on their labels.

Federal Labeling Regulations Provide Uniformity

The bottled water standard of identity, established by FDA in 1995, sets forth compositional and labeling requirements that provide for one simple, easy to read label. This ensures that consumers are provided with adequate information on the composition and quality of the bottled water products they buy. These regulations also help to facilitate interstate commerce by providing manufacturers and distributors with clear directions on what types of information must be included on the label. Multiple regulations across states would result in confusion on the part of the consumer and unnecessary cost on the part of the industry.

States are Repealing Separate Requirements

In 2005, New Jersey eliminated its requirement that bottled water labels include an expiration date, bringing its regulations in line with the provisions set forth by the FDA. At that time, New Jersey was the only state to mandate that such information be included on bottled water labels.

Consumers Have Access to Product Information

Due to the extensive testing, monitoring and other requirements mandated by the FDA, bottled water producers possess a lot of information about the content of their products and how they are processed and distributed. Like all other food producers, they are also required to list company contact information, including a phone number or address, so that consumers can access additional information about the product.

American Beverage Association – 1101 16th Street, NW – Washington, DC 20036 – 202-463-6732

nishimoto2-Ashley-Nicole

From: Patrick Meyer [patrick_meyer@hawaiianisles.com]
Sent: Monday, January 25, 2010 3:23 PM
To: HLTtestimony
Subject: HB 2082 testimony

To: House Committee on Health
Hearing Date: 01/26/10 9:00 AM
Regarding: HB 2082 Relating to Bottled Water
Submitted by: Patrick Meyer
Director of Sales
Hawaiian Isles Water Company

Distinguished Representatives,

House Bill 2082 is surely well intentioned, however it represents an unnecessary additional level of regulation that runs the risk of confusing current regulation. The bottled water industry is fully regulated at the federal level.

The FDA regulates bottled water as a food. The Federal Food, Drug, and Cosmetic Act (FFDCA) provides FDA with broad regulatory authority over food that is introduced or delivered for introduction into interstate commerce. Under the FFDCA, manufacturers are responsible for producing safe, wholesome and truthfully labeled food products, including bottled water products. It is a violation of federal law to introduce into interstate commerce adulterated or misbranded products that violate the various provisions of the FFDCA.

The FDA has established specific regulations for bottled water in Title 21 of the *Code of Federal Regulations* (21 CFR), including standard of identity regulations (21 CFR § 165.110[a]) that define different types of bottled water, such as spring water and mineral water, and standard of quality regulations (21 CFR §165.110[b]) that establish allowable levels for contaminants (chemical, physical, microbial and radiological) in bottled water. FDA also has established Current Good Manufacturing Practice (CGMP) regulations for the processing and bottling of bottled drinking water (21 CFR part 129). Labeling regulations (21 CFR part 101) and CGMP regulations (21 CFR part 110) for foods in general also apply to bottled water. It is worth noting that bottled water is one of the few foods for which FDA has developed specific CGMP regulations or such a detailed standard of quality.

Additional State regulations serve no real purpose and only pose a burden on manufacturers that are working hard everyday to keep business moving forward and workers employed. HB2082 should not move forward in committee so that we may all get back to work on more productive issues.

nishimoto2-Ashley-Nicole

From: Maurice T Morita [mauricetmorita@gmail.com]
Sent: Saturday, January 23, 2010 4:49 PM
To: HLTtestimony
Subject: HB 2082

FROM: Maurice T Morita
TO: House Committee on Health
Tuesday, January 26, 2010
Conference Room 329
9:00 a.m.

RE: HB 2082 - RELATING TO BOTTLE WATER BIRTH DATE

Chair Yamane and Members of the Committee:

My name is Maurice Morita and I strongly support HB 2080 which will require the sale of bottle water in the State of Hawaii to put the "birth date" as to when the water was put into the plastic bottle. The sale of bottle water has become a popular drink, even more than soda. The concern is the longer the water is in the bottle water, the water becomes acidic. The thin plastic melts into the water to make the water acidic. Water should have an alkaline level of 7.5. Acidic water turns yellow when tested and alkaline water turns purple.

The concern is people tend to, even professional people, keep water in their cars. When it is hot, there is a tendency for the plastic to melt into your water bottle which turns the water acidic.

I have noticed companies have started to put when water bottle would expire. It is most important to consumers when water has the "birth date" or when it was added into the thin plastic bottle. I don't think anyone would purchase a bottle water if the "birth date" was January 1, 2007. Since a lot of the bottle water comes from the mainland, one needs to wonder how long has the bottle waters were stored until it is shipped to Hawaii. We have tested various bottle waters, and it will depend how long the water is stored in the plastic bottle. Some of our tap water like in Salt Lake where I live, is more healthful than the bottle water.

This is a very important "health" concern since water bottles are not regulated and companies can put whatever type of water into their bottles. I understand this may hurt the sale of bottle waters and the companies may be against this bill, but what is more important, our people's health, or a company's income from the sale of bottle water. Hopefully, you will consider one's health first!

Thank you for the opportunity to testify.