

Representative Ryan Yamane, Chair  
Representative Scott Nishimoto, Vice Chair  
Committee on Health



HEARING Tuesday, January 26, 2010  
9:00 am  
Conference Room 329  
State Capitol, Honolulu, Hawaii 96813

RE: **HB2082, Relating to Bottled Water**

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

Retail Merchants of Hawaii (RMH) is a not-for-profit trade organization representing 200 members and over 2,000 storefronts, and is committed to support the retail industry and business in general in Hawaii.

**RMH stands in opposition to HB2082**, which requires all bottled water to be labeled with the date of bottling. **Bottled water is comprehensively and stringently regulated at both federal and state levels to ensure its safety and quality.** Adding yet another requirement will result in increased costs: 1) to the bottler to produce a product specific to Hawaii; 2) to consumers because added costs must be passed on; and 3) to the State to enforce the new provision.

At the federal level, bottled water is regulated as a processed food product by the FDA under the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. §§ 301 et seq., and several parts of Title 21 of the Code of Federal Regulations (CFR). It must meet FDA's general food regulations as well as standards of identity, standards of quality, good manufacturing practices (GMP) and labeling requirements specifically promulgated for bottled water. Bottled water is one of only a few food products that must follow additional, product-specific GMPs in addition to the general food GMPs.

In Hawaii, bottled water is further regulated by the Department of Land and Natural Resources' Commission on Water Resource Management, and the Department of Health. Section 328D-3 of the Hawaii Revised Statutes specifically states that all bottled water, including mineral water, shall be filtered and processed and packaged in accordance with the FDA good manufacturing practice regulations (GMPs) 21 C.F.R. parts 110 and 129. Section 328D-6 specifically states that all bottled water shall conform to applicable federal and state labeling laws.

While not required by the FDA, water bottlers as generally include a "produced" date or "best by" date or "expiration" date when they ink or laser jet their required production lot codes on their bottle labels or shoulders. This information is far more critical for consumption than a "bottled by" date.

A bottled water labeling requirement unique to Hawaii discourages interstate and international commerce, as well as national labeling uniformity. Bottled water operates within an open distribution system, and a unique label for product sold in Hawaii would require completely separate Hawaii-only inventories at manufacturing and distribution levels, at a substantial additional cost to the manufacturers and distributors, and ultimately, consumers.

We urge you to hold HB2082. Thank you for your consideration and for the opportunity to submit testimony.

Carol Pregill, President

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# HAWAII TEAMSTERS AND ALLIED WORKERS, LOCAL 996

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Rep. Ryan Yamane, Chair  
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Committee on Health

Glenn Ida, Representative  
Friday, Jan. 26, 2010, at 9 AM  
Conference room 329

The Hawaii Teamsters Local 996 supports HB2082, Relating to Bottled Water.

I have found a local producer of bottled water that has the born on date of 15Sept.09 and a best by date Of 15 Sept.11. The information was etched on the plastic bottle, which made it difficult to locate and read. A product that has such a long shelf life should include the "Born On" date so the consumer will know when the water was bottled. This measure will require that all bottled water sold in Hawaii be labeled with the "Born On" date.

The Teamsters Local 996 supports HB 2082, Relating to Bottled Water.

Thank you for the opportunity to testify.