

SB 179



February 07, 2011

Senator Mike Gabbard, Chair
Senator J. Kalani English, Vice Chair
Committee on Energy and Environment
Hawaii State Capitol, Room 225

RE: SB 179 – OPPOSE

Dear Chairman Gabbard, Vice Chairman English and Members of the Committee:

The Grocery Manufacturers Association¹ (GMA) and its more than three hundred members respectfully oppose SB 179, which would amend the existing beverage deposit law to include dietary supplement beverage containers because they do not have the same use as other covered products such as juice and soda and their inclusion would be unnecessarily prejudicial.

The United States Food and Drug Administration regulates nearly all aspects of nutritional supplements including the packaging through the implementation of Dietary Supplement Health and Education Act (DSHEA) of 1994. DSHEA defines a dietary supplement as a product taken by mouth that contains a "dietary ingredient" intended to supplement the diet. The "dietary ingredients" in these products may include: vitamins, minerals, herbs or other botanicals, amino acids, and substances such as enzymes, organ tissues, glandulars, and metabolites. Dietary supplements can also be extracts or concentrates, and may be found in

¹ Based in Washington, D.C., the Grocery Manufacturers Association is the voice of more than 300 leading food, beverage and consumer product companies that sustain and enhance the quality of life for hundreds of millions of people in the United States and around the globe.

Founded in 1908, GMA is an active, vocal advocate for its member companies and a trusted source of information about the industry and the products consumers rely on and enjoy every day. The association and its member companies are committed to meeting the needs of consumers through product innovation, responsible business practices and effective public policy solutions developed through a genuine partnership with policymakers and other stakeholders.

In keeping with its founding principles, GMA helps its members produce safe products through a strong and ongoing commitment to scientific research, testing and evaluation and to providing consumers with the products, tools and information they need to achieve a healthy diet and an active lifestyle.

The food, beverage and consumer packaged goods industry in the United States generates sales of \$2.1 trillion annually, employs 14 million workers and contributes \$1 trillion in added value to the economy every year.

GROCERY MANUFACTURERS ASSOCIATION

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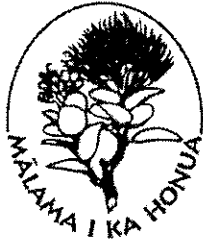
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many forms other than liquids such as tablets, capsules, softgels, gelcaps, bars, or powders. Whatever their form may be (solid, liquid, or other), DSHEA places dietary supplements in a special category under the general umbrella of "foods" and removing their exemption from the bottle deposit law is inconsistent with how they are treated under federal law. Also, their inclusion in the bottle deposit program would be inequitable and in some instances the equivalent of charging a redemption fee for the plastic packaging of a meal replacement bar.

For these reasons, GMA respectfully opposes SB 178.

Sincerely,

John Hewitt
Western Region Director
Grocery Manufacturers Association



Sierra Club Hawai'i Chapter

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SENATE COMMITTEE ON ENERGY & ENVIRONMENT

February 8, 2011, 3:00 P.M.

(Testimony is 1 page long)

TESTIMONY IN SUPPORT OF SB 179

Aloha Chair Gabbard and Committee Members -

The Sierra Club, Hawai'i Chapter, **supports** SB 179, which extends the deposit beverage container program to include dietary supplements. We suggest, however, this bill be amended to reflect the language contained in SB 2420 so as to include hard spirits and wine bottles in the beverage container program.

Hawaii's bottle law has proven to be an overwhelming success for Hawaii's environment, with **over 930 million bottles and cans diverted from Hawaii's landfills annually**. Beyond waste diversion, our recycling law reduces litter, creates jobs, and provides opportunities for churches, charities, and schools to fundraise. The recycling program proves that a little change can make a big difference.

Despite its success with redeeming over four billion beverage containers, **the bottle law can be improved**. Energy drinks are becoming increasingly popular and, unfortunately, these drinks are utilizing a loophole -- a "dietary supplement" exemption -- in order to evade complying with our beverage container (HI-5) law. There is no logical basis to exempt this growing class of beverages from our incredibly successful recycling program.

Thank you for the opportunity to testify.



CONSERVATION COUNCIL FOR HAWAII

Testimony Submitted to the Senate Committee on Energy and Environment

Hearing: Tuesday, February 8, 2011

3 p.m.

Room 225

Support for SB 179 Relating to the Deposit Beverage Container Program

Aloha. The Conservation Council for Hawai'i supports SB 179, which the exemption for dietary supplements from the deposit beverage container program. Increasing the types of beverage containers that can be collected for a refund will help reduce the number of containers in landfills, on land, and in the water. We are not sure why dietary supplements were exempted from the program to begin with; like other beverage containers, they contribute to the waste stream. Any reduction in beverage containers in the waste stream, especially plastic ones, will help protect marine life.

Thank you for the opportunity to testify. Please pass SB 179 out of your committee.

Marjorie Ziegler



Hawai'i's Voice for Wildlife – *Ko Leo Hawai'i no na holoholona iohu*

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Testimony for ENE 2/8/2011 3:00:00 PM SB179

Conference room: 225

Testifier position: support

Testifier will be present: No

Submitted by: Marjorie Erway

Organization: Individual

Submitted on: 2/5/2011

Comments:

While SB178 is much preferable to SB 179, it appears that 178 is dead for this year. So, please support 179 which removes the exemption for dietary supplement drinks from the deposit beverage container program. Anything which can reduce the number of bottles and cans from the waste stream and into the recycling stream is good. And keep working on SB 178 for next year, please.

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SENATE COMMITTEE ON ENERGY AND ENVIRONMENT

Feb 8, 2011, 3:00 pm
(Testimony is 2 pages long)

TESTIMONY IN FAVOR OF SB 179

Aloha Chair Gabbard and Members of the Committee:

My name is Joy Leilei Shih, I hold a Master of Advanced Studies in Marine Biodiversity and Conservation from Scripps Institution of Oceanography, am a graduate student researcher in marine biogeochemistry at the University of Hawai'i at Manoa, and serve on the Executive Committee of Surfrider Foundation Oahu. The Surfrider Foundation is a non-profit organization representing 4,000 members across the state of Hawai'i alone (and 50,000 members worldwide), and is dedicated to the protection and enjoyment of the world's oceans and coastlines through conservation, activism, research and education.

I am in strong support of SB 179, which would remove the exemption for dietary supplement drinks from the deposit beverage container program.

Many widely consumed "dietary supplement" drinks are currently exempt from the deposit beverage container program, leading to their exclusion from being recycled. These beverages marketed as "energy" or "dietary" supplement drinks include the likes of commonly consumed beverages such as "Red Bull", "Monster", and "Rockstar". Consequently, these containers do not enjoy the success of the Bottle law that effectively keeps drink containers out of the waste stream.

Hawai'i's beautiful unique geographic location also means unique opala issues. The average person in Hawai'i produces 6.2 pounds of opala a day. Where does it go? The "solution" thus far has been landfills, but with suitable landfill space becoming scarcer, last year saw serious discussion about such drastic steps as paying to ship trash to the mainland. Recent landfill overflow events reinforce the need to reduce waste by encouraging more recycling.

Hawai'i's Bottle law has been incredibly successful for Hawai'i's environment, with over 930 million bottles and cans diverted from Hawai'i's landfills annually. Beyond waste diversion, our recycling law reduces litter, creates jobs, and provides opportunities for churches, charities, and schools to fundraise. The recycling program proves that a little change can make a big difference, no pun intended.

Energy drinks continue to grow in popularity and unfortunately, these drinks are utilizing a loophole -- a "dietary supplement" exemption -- in order to evade complying with our beverage container (HI-5) law. There is no rationale basis to exempt this growing class of beverages from our incredibly successful recycling program.

The argument that such drinks are truly nutritional supplements is not a rigorous one; however, even in the event they do serve such a purpose, the deposit is fully recoverable, and as intended would encourage recycling through the efficacious program already in place and benefit Hawai'i's environment.

SB 179 would remove the exemption for dietary supplement drinks from the deposit beverage container program. The bill states that these beverages "are often sold in containers that are recyclable plastic, aluminum, or glass. The legislature further finds that the intended uses of these purported "energy" and "dietary" supplements are similar to, if not the same as, the intended use of many other sports drinks, sodas, and juice beverages that are sold in containers subject to the deposit beverage container program." (Page 1, lines 8-14)

I respectfully recommend that the bill be amended to include hard spirits and wine. This is the logical step following the recognition that the advance deposit fee of one cent is not working. Millions of bottles and containers are not being recycled. Approximately 21,917,760 bottles of wine were sold in Hawai'i in 2009. Recent newspaper articles indicate some recyclers are starting to refuse alcohol containers because the profit generated is minimal and these items are not a part of the HI-5 system.

I respectfully ask that this committee advance this measure.

Mahalo for the opportunity to testify.

Joy Leilei Shih

I am writing in support of SB179 to remove the exemption from deposit beverage containers.

I believe that encouraging the recycling of these containers is vital to reducing Hawaii's waste stream.

Mahalo,

Michael Gach
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