

coffman3 - Sean

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 05, 2011 11:20 PM
To: EEPtestimony
Cc: merway@hawaii.rr.com
Subject: Testimony for HB1364 on 2/10/2011 11:00:00 AM

Testimony for EEP/ERB 2/10/2011 11:00:00 AM HB1364

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Marjorie Erway
Organization: Individual
Address: PO Box 2807 Kailua Kona, HI 96745
Phone: 324-4624
E-mail: merway@hawaii.rr.com
Submitted on: 2/5/2011

Comments:

This needs to be supported as it will insure many more bottles and cans being recycled. While it is preferable to include wine and alcohol containers, and those are not included in this bill, I guess this Bill needs your support for this year. And please continue working on getting SB178 for next year.



CONSERVATION COUNCIL FOR HAWAI'I

Testimony Submitted to the Senate Committee on Energy and Environment

Hearing: Thursday, February 10, 2011

11 am

Room 325

Support for HB 1364 Relating to the Deposit Beverage Container Program

Aloha. The Conservation Council for Hawai'i supports HB 1364, which removes 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 HB 1364 out of your committee.

Marjorie Ziegler



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

Telephone/Fax 808.593.0255 • email: info@conservehi.org • web: www.conservehi.org

P.O. Box 2923 • Honolulu, HI 96802 • Office: 250 Ward Ave., Suite 212 • Honolulu, HI 96814

President: Maura O'Connor * Vice-President: Hannah Springer * Treasurer: Kim Ramos * Secretary: Rick Barboza

Directors: Madelyn D'Enbeau * Maka'ala Ka'aumoana * Julie Leialoha

Executive Director: Marjorie Ziegler

coffman3 - Sean

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 5:52 PM
To: EEPtestimony
Cc: mrgach@att.net
Subject: Testimony for HB1364 on 2/10/2011 11:00:00 AM

Testimony for EEP/ERB 2/10/2011 11:00:00 AM HB1364

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Michael Reed Gach
Organization: Individual
Address:
Phone:
E-mail: mrgach@att.net
Submitted on: 2/7/2011

Comments:

We need to remove the exemption for dietary supplement drink bottles from the deposit beverage container program. I believe encouraging the recycling of these containers is vital to reducing Hawaii's waste stream.

coffman3 - Sean

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 12:34 PM
To: EEPtestimony
Cc: ndavlantes@aol.com
Subject: Testimony for HB1364 on 2/10/2011 11:00:00 AM

Testimony for EEP/ERB 2/10/2011 11:00:00 AM HB1364

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Nancy Davlantes
Organization: Individual
Address: 47-228 Kamehameha Hwy Kaneohe, HI
Phone: 808-239-5501
E-mail: ndavlantes@aol.com
Submitted on: 2/8/2011

Comments:

While I am disappointed that wine bottles continue to be exempt from the deposit beverage container program, I support this bill because anything that increases what we recycle should be encouraged.

coffman3 - Sean

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 09, 2011 12:12 PM
To: EEPtestimony
Cc: lost379sheep@yahoo.com
Subject: Testimony for HB1364 on 2/10/2011 11:00:00 AM

Testimony for EEP/ERB 2/10/2011 11:00:00 AM HB1364

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Charles Baird
Organization: Individual
Address: 1370 Ululani Street Hilo, HI 96720
Phone: (808) 937-2683
E-mail: lost379sheep@yahoo.com
Submitted on: 2/9/2011

Comments:

Why stop just with energy drinks? We need more comprehensive bottle law for ALL imported bottles no matter what the ingredients. Start with liquor and milk and go from there.



February 09, 2011

Representative Hermina Morita, Chair
Representative Denny Coffman, Vice Chair
Committee on Energy & Environmental Protection

Representative Angus L.K. McKelvey, Chair
Representative Isaac W. Choy, Vice Chair
Committee on Economic Revitalization & Business

RE: HB 1364 – OPPOSE

Dear Chairwoman Morita, Vice Chairman Coffman, Chairman McKelvey, Vice Chairman Choy & Members of the Committee:

The Grocery Manufacturers Association¹ (GMA) and its more than three hundred members respectfully oppose HB 1364, which would amend the existing beverage deposit law to include dietary supplement beverage containers because these products by definition 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.

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

1350 I Street, NW :: Suite 300 :: Washington, DC 20005 :: ph 202-639-5900 :: fx 202-639-5932 ::

www.gmaonline.org

Representative Hermina Morita, Chair
Representative Denny Coffman, Vice Chair
Committee on Energy & Environmental Protection
Representative Angus L.K. McKelvey, Chair
Representative Isaac W. Choy, Vice Chair
Committee on Economic Revitalization & Business
February 9, 2011
Page 2

Dietary supplements can also be extracts or concentrates, and may be found in 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.

In summary, nutritional supplements are federally regulated health products often recommended by doctors or nutritionists and used, for example, as meal replacements to combat obesity and provide nutrients to people with health issues. Their inclusion in the bottle deposit program would be an inequitable tax assessment 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 HB 1364.

Sincerely,

John Hewitt
Western Region Director
Grocery Manufacturers Association

Joy Leilei Shih, M.A.S.
3267 Mokihana Street
Honolulu, HI 96816
(650) 380-5482
joyshih@hawaii.edu

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
HOUSE COMMITTEE ON ECONOMIC REVITALIZATION & BUSINESS

Feb 10, 2011, 11:00 am
(Testimony is 2 pages long)

TESTIMONY IN FAVOR OF HB 1364

Aloha Chair Morita, Chair McKelvey, and Members of the Committees:

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 HB 1364, 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.

HB 1364 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

Scott Higgins
Postdoctoral Fellow
Hawaii Natural Energy Institute
1680 East West Rd.
Honolulu, HI 96822

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
HOUSE COMMITTEE ON ECONOMIC REVITALIZATION & BUSINESS

Feb 10, 2011

TESTIMONY IN FAVOR OF HB 1364

Aloha Chair Morita, Chair McKelvey, and Members of the Committees:

I am in strong support of HB 1364, 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 2 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. HB 1364 would remove the exemption for dietary supplement drinks from the deposit beverage container program. I respectfully ask that this committee advance this measure. Mahalo for the opportunity to testify.

Scott Higgins



Sierra Club

Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.538.6616 hawaii.chapter@sierraclub.org

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION HOUSE COMMITTEE ON ECONOMIC REVITALIZATION & BUSINESS

February 10, 2011, 11:00 A.M.
(Testimony is 1 page long)

TESTIMONY IN SUPPORT OF HB 1364

Aloha Chair Morita, Chair McKelvey, and Committee Members -

The Sierra Club, Hawai'i Chapter, *supports* HB 1364, 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 178 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 such as "Monster," "Red Bull," and "Rockstar" 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.

Expanding our beverage container program to include hard spirits and wine bottles is a necessary and logical expansion of our recycling policy. The advance deposit fee of one cent is plainly not working. Millions of bottles and containers are not being recycled (according to numbers provided by the industry, approximately 21,917,760 bottles of wine were sold in Hawaii in 2009).

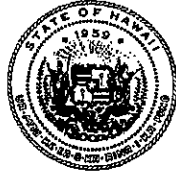
Assuming Hawaii is within the national average of 25% recycling, approximately 15 million bottles of wine are discarded into our landfills or incinerators each year. But this is a big assumption. Recent newspaper articles indicate some recyclers are starting to refuse alcohol containers because the profit generated is minimal and these items are not a part of the HI-5 system.

If we want to move Hawaii to a sustainable future and help solve our growing landfill crisis, we need to start taking the "small changes" necessary to eliminate our problems. Including dietary and alcohol containers would be an important start.

Mahalo for the opportunity to testify.

HB 1364

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
ACTING DIRECTOR OF HEALTH

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

In reply, please refer to:
File:

HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION
HOUSE COMMITTEE ON ECONOMIC REVITALIZATION AND BUSINESS
H.B. 1364, RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM

Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Acting Director of Health

February 10, 2011
11:00 A.M.

- 1 **Department's Position:** The Department of Health strongly supports this measure.
- 2 **Fiscal Implications:** If passed, the measure would likely increase revenue by an unknown amount.
- 3 **Purpose and Justification:** The purpose of this bill is to eliminate the exemption for dietary
- 4 supplements from the DBC Program.
- 5 Dietary supplements were excluded at the start of the DBC Program along with drugs, medical
- 6 foods and infant formula because it was thought at that time that all of these products provided equal
- 7 medical value.
- 8 However, over time the Program has identified a class of products whose eligibility is not easily
- 9 determined because of a combination of beverage content and container labeling. The difficulty of the
- 10 situation is recognized in a U.S. Food and Drug Administration draft guidance document, issued in
- 11 December 2009, which cites the increasing trend in products which are labeled as supplements that may
- 12 in fact qualify, legally and functionally, as normal food products.

1 This makes it very difficult to make consistent eligibility determinations, and in some cases has
2 led to reversals of determinations by the DBC Program. These difficulties are frustrating to both the
3 deposit program and regulated distributors because of the disproportionate time and effort involved in
4 dealing with these products. The department believes that deleting the "dietary supplement" exemption
5 is the most efficient way of allowing more consistent eligibility determinations.

6 It should be clear that the exemption for drugs, medical food and infant formula remains in the
7 law. The department has no intention of modifying this exemption. The proposed change, if
8 implemented, is not intended to place a deposit on products that are specifically formulated and intended
9 to manage dietary deficiencies relating to a health condition.

10 Thank you for the opportunity to testify on this measure.

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