

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

In reply, please refer to:
File:

HOUSE COMMITTEE ON HEALTH

S.B. 2824, RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM

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

**March 13, 2012
9:00 a.m.**

1 **Department's Position:** The Department of Health strongly supports this measure.

2 **Fiscal Implications:** This measure would likely increase revenue by an unknown amount.

3 **Purpose and Justification:** This bill proposes to eliminate the exemption for dietary supplements from
4 the Deposit Beverage Container (DBC) Program.

5 Dietary supplements were excluded from the DBC Program along with drugs, medical foods and
6 infant formula. The dietary supplement exemption relies entirely on the federal Food and Drug
7 Administration's (FDA) regulation of the product category. However, FDA's regulatory approach of
8 these products gives manufacturers free reign to declare a product a dietary supplement or not.

9 The ambiguity of product labeling makes it very difficult for the DBC Program to make
10 consistent eligibility determinations on potential dietary supplements. These difficulties are frustrating
11 to both the deposit program and beverage distributors because of the disproportionate time and effort
12 involved in dealing with these products. The department believes that deleting the "dietary supplement"
13 exemption is the most efficient way of allowing more consistent eligibility determinations.

14 It should be clear that the exemption for drugs, medical food and infant formula remains in the

1 law. The department has no intention of modifying this exemption.

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

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Is it a “HI-5” Beverage Container or Not? The impact of SB 2824

For about a decade, most beverage containers in Hawaii have been recycled through the five-cent Deposit Beverage Container (HI-5) program. Consumers can redeem their empty bottles and cans for five cents each from certified recyclers. The HI-5 Program covers many types of drink containers. The Department of Health proposes to improve the program by including “dietary supplement” drink containers as specified in SB 2824.

How do we know what drinks are covered by the program? There are **three criteria** that determine if a beverage container is eligible for a five-cent redemption. A product must meet all three criteria to be included in the program.

Criteria #1: Beverage type

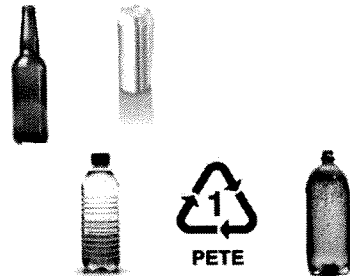
The program covers most beverages, including beer, malt based beverages, mixed spirits, mixed wines and nearly all non-alcoholic beverages such as water and fruit juice. Not included are wines, spirits, milk, drugs, medical food, infant formula and **dietary supplements**.

Criteria #2: Container type

HI-5 includes beverage containers made of glass or metal;

or,

made of polyethylene terephthalate (PET or PETE) plastic;
(PET plastic is clear and is used for many soft-drinks and sodas.)



or,

made of high density polyethylene (HDPE) plastic.
(HDPE is usually a cloudy white. It is used in a small number of products covered by the HI-5 program. Although not covered by the program, milk jugs are a common example of an HDPE plastic.)








Criteria #3: Container size

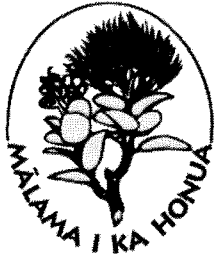
Only containers less than or equal to 64 fluid ounces are covered by the program. The largest common container covered by the program is the two-liter soda bottle.

Is it a "HI-5 Beverage Container or Not? Some Examples:

✓ means the product meets the criteria

X means the product does not meet the criteria

	<ul style="list-style-type: none"> ✓ Beverage type ✓ Container type ✓ Container size 	<p style="text-align: center;">In the program</p> <p style="text-align: center;">Sports drinks are eligible and are currently covered by the DBC program.</p>
	<ul style="list-style-type: none"> ✓ Beverage type ✓ Container type ✓ Container size 	<p style="text-align: center;">In the program</p> <p style="text-align: center;">Bottled water products are eligible and are currently covered by the DBC program.</p>
	<ul style="list-style-type: none"> ✓ Beverage type X Container type ✓ Container size 	<p style="text-align: center;">Not in the program</p> <p style="text-align: center;">Ensure and similar products are eligible beverages. However, the bottles are made of Type 5 plastic which is not eligible under the DBC program.</p>
	<ul style="list-style-type: none"> X Beverage type ✓ Container type ✓ Container size 	<p style="text-align: center;">Not in the program</p> <p style="text-align: center;">Similac and other prepared infant formulas are exempt from the DBC program. The proposed deletion of the dietary supplement exemption will NOT affect infant formula.</p>
<p style="text-align: center;">The HI-5 program now excludes "dietary supplements" as defined by the Food and Drug Administration. However, the FDA allows manufacturers to declare virtually any product a "dietary supplement" and avoid being in the HI-5 program. SB 2824 would simplify and improve the HI-5 program by removing dietary supplements from the list of excluded products. This change will save staff time and state funds.</p>		
	<ul style="list-style-type: none"> X Beverage type ✓ Container type ✓ Container size 	<p style="text-align: center;">Not in the program, but SHOULD be</p> <p style="text-align: center;">This bottled water product is exempted from the DBC program simply because it claims to be a "dietary supplement."</p>



Sierra Club Hawai'i Chapter

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L A T F

HOUSE COMMITTEE ON HEALTH

March 13, 2012, 9:00 A.M.
(Testimony is 1 page long)

TESTIMONY IN SUPPORT OF SB 2824

Aloha Chair Yamane and Committee Members -

The Sierra Club, Hawai'i Chapter, **supports** SB 2824, which extends the deposit beverage container program to include dietary supplements.

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**. Some 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 these beverages from our incredibly successful recycling program and to allow certain distributors to have an advantage in the marketplace.

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.

Thank you for the opportunity to testify.

morikawa2 - Grant

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 5:22 PM
To: HLTtestimony
Cc: mariyakai@gmail.com
Subject: Testimony for SB2824 on 3/13/2012 9:00:00 AM

L A T F

Categories: Green Category

Testimony for HLT 3/13/2012 9:00:00 AM SB2824

Conference room: 329
Testifier position: Support
Testifier will be present: No
Submitted by: Mariya Gold
Organization: Individual
E-mail: mariyakai@gmail.com
Submitted on: 3/12/2012

Comments:

Wine bottles and hard spirit bottles should be added to this bill as well. Mahalo!

L A T F

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HOUSE COMMITTEE ON HEALTH

March 13, 2012, 9:00 am
(Testimony is 1 page long)

TESTIMONY IN STRONG SUPPORT OF SB 2824

Aloha Chair Yamane and Members of the Committee:

I am a graduate student researcher in marine biogeochemistry at the University of Hawaii and I am in strong support of SB 2824. Currently, manufacturers of drinks such as "vitamin waters", some lemonade-type drinks, and "mineral waters" are exempt from the highly successful Beverage Deposit Container Program. Manufacturers of these drinks are using a loophole in the Beverage Deposit Container Program by calling themselves a "nutritional supplement". Therefore, these bottles and cans don't include the 5 cent deposit shown to successfully encourage recycling in Hawaii, nor do they technically need to be accepted at recycling centers. Unfortunately, this means millions of bottles of "vitamin water" and similar drinks go unrecycled, exacerbating the burden on our precious landfill space and environment.

Hawaii's Deposit Beverage Container Program, a.k.a. the Bottle Bill has been a tremendous success, keeping *686 million bottles* out of our limited landfill space each year. Being an island State means we cannot keep burying our waste, especially when we have a good system in place to collect and recycle our bottles. Including more containers in the program will keep more material from entering the waste stream.

I respectfully request that you add the Beverage Deposit to wine bottles and hard spirit bottles as well. Based on estimates, over 15 million wine bottles are discarded in our incinerators and landfills because they are not a part of the HI-5 system. Please advance this important and essential measure.

Mahalo for the opportunity to testify.

Joy Leilei Shih

morikawa2 - Grant

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 10:35 AM
To: HLTtestimony
Cc: mobrien7@hawaii.rr.com
Subject: Testimony for SB2824 on 3/13/2012 9:00:00 AM

L A T E

Testimony for HLT 3/13/2012 9:00:00 AM SB2824

Conference room: 329
Testifier position: Support
Testifier will be present: No
Submitted by: Mary Louise O'Brien
Organization: Individual
E-mail: mobrien7@hawaii.rr.com
Submitted on: 3/13/2012

Comments:

If you could also add wine bottles and spirit bottles to the list it would be a big help. We recycle everything allowed and would be happy to do more.