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LATE

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

February 11, 2013, 3:30 P.M.
(Testimony is 1 page long)

TESTIMONY IN SUPPORT OF HB 902 HD1

Aloha Chair McKelvey and Members of the Committee:

The Sierra Club, Hawaii Chapter, with over 10,000 dues paying members and supporters statewide, respectfully *supports* HB 902. This measure establishes closes a loophole in the tremendously successful deposit 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*. 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 containers would be a start.

We ask this Committee to amend the effective date of this measure and move it along. Mahalo for the opportunity to testify.

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Aloha Chair McKelvey and Members of the Committee

Thank you for the opportunity to testify in support of this bill.

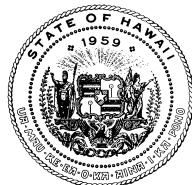
Some laws are more successful than others. The “Bottle Bill” has been an outrageous success, diverting close to a BILLION beverage containers from our expiring landfills every year.

Amongst other benefits, we no longer we see bottles and cans littering parks and streets. The bill has helped create jobs and an opportunity for the homeless and indigent to raise some cash.

But some companies have found a way to flout the law by abusing the dietary supplement exemption. A case in point is the “designer water” company from California which changed the label on its bottle to say “dietary supplement” without changing the content of its beverage. The bottlers are taking advantage of lax policing of the dietary supplement designation by the FDA. There is no reason for Hawaii to be a victim of this legislative puka.

Please pass this bill

aloha
anthony aalto



LATE

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

In reply, please refer to:
File:

HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
H.B. 902, H.D.1, RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM

Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health
February 11, 2013
3:30 p.m.

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

2 **Fiscal Implications:** Undetermined.

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 have been excluded from the DBC Program, along with milk, drugs,
6 medical foods and infant formula, since its inception. Statute cites federal Food and Drug
7 Administration (FDA) regulations in defining "dietary supplement." However, the department has since
8 learned that the FDA does not vigorously regulate the dietary supplement industry. Its loose approach
9 gives manufacturers nearly free reign to unilaterally define a product as a dietary supplement or not.

10 The ambiguity this creates makes it very difficult for the DBC Program to make consistent
11 eligibility determinations on potential dietary supplements for Hawaii's program. These difficulties are
12 frustrating to both the deposit program and beverage distributors because of the disproportionate time
13 and effort involved in making a proper determination. The department believes that deleting the
14 "dietary supplement" exemption is the most efficient way of allowing more consistent eligibility

1 determinations.

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

3 The department has no intention of modifying this exemption.

4 Our goal is to create social and physical environments that promote and support good health for all.

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

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