

DAVID Y. IGE
GOVERNOR



SARAH ALLEN
ADMINISTRATOR
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ASSISTANT ADMINISTRATOR

**STATE OF HAWAII
STATE PROCUREMENT OFFICE**

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TESTIMONY
OF
SARAH ALLEN, ADMINISTRATOR
STATE PROCUREMENT OFFICE
TO THE SENATE COMMITTEES
ON
AGRICULTURE AND ENVIRONMENT
AND
GOVERNMENT OPERATIONS
Tuesday, February 4, 2020, 3:30 PM

SB2720
RELATING TO PROCUREMENT

Chairs Gabbard and Thielen, Vice Chairs Ruderman and Inouye, and members of the committees, thank you for the opportunity to submit testimony on SB2720. The State procurement Office (SPO) appreciates the intent of the bill prohibiting state agencies, using state funds, to purchase plastic bottles or rigid plastic containers except under certain circumstances. However, we oppose the placement of this language in Hawaii Revised Statute (HRS)103D: The Procurement Code.

The language, in its entirety, in Section 1 does not belong in Code. The procurement code should be used for general policy guidance. These specifications are particular to a subject-specific chapter such as the chapter governing "Solid Waste Pollution" and should be placed there. These specifications are specific to plastic bottles or rigid plastic containers which should be placed in Chapter 342H.

Thank you.

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committees on
AGRICULTURE AND ENVIRONMENT
and
GOVERNMENT OPERATIONS

Tuesday, February 4, 2020
3:30 PM
State Capitol, Conference Room 225

In consideration of
SENATE BILL 2720
RELATING TO PROCUREMENT

Senate Bill 2720 proposes to prohibit the expenditure of state funds by state agencies for the purchase of beverages in plastic bottles or rigid plastic containers, except under certain circumstances. **The Department of Land and Natural Resources (Department) supports this measure.**

The Department recognizes the deleterious impacts of plastic debris on wildlife and their habitats as a primary natural resource issue throughout the State. Plastic debris degrade land and ocean-based habitat and impact a variety of wildlife (aquatic and terrestrial) through ingestion and entanglement. Senate Bill 1543 would help reduce the plastic debris load entering Hawaii's environment and contribute to the improved health of our wildlife and their habitats.

The Department's Division of Forestry and Wildlife (DOFAW) is statutorily mandated by the Land Fire Protection Law, Chapter 185, Hawaii Revised Statutes, to be the primary responder for wildfires on lands managed by DOFAW, which accounts for 26% of the land statewide. DOFAW co-responds with county fire departments and federal agencies to an additional 32%. The Department appreciates the exception in Subsection (b) (4) so that the Department may continue to purchase bottled water for their wildland firefighters to prevent dehydration while responding to wildfires.

Thank you for the opportunity to comment on this measure.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/04/2020

Time: 03:30 PM

Location: 225

Committee: Senate Agriculture and
Environment
Senate Government Operations

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: SB 2720 RELATING TO PROCUREMENT.

Purpose of Bill: Prohibits the expenditure of state funds by state agencies for the purchase of beverages in plastic bottles or rigid plastic containers, except under certain circumstances.

Department's Position:

The Department of Education (Department) is in support of SB 2720 and believes that our state should continue to work towards reducing our reliance on plastic bottles and containers. We respectfully offer some brief comments.

The safety of our students is a top priority for the Department. Students in Hawaii benefit significantly from the ability to have access to water throughout the school day. Currently, the Department utilizes bottled water to respond to instances where a student is in need of water, where there is no other source of water readily available. Other instances oftentimes occur at athletic events where regular hydration is critical and the need is immediate.

While we support and encourage the use of reusable bottles, we urge the committee to be mindful of the need for the Department to maintain flexibility in order to quickly respond to the hydration needs of our students.

Thank you for the opportunity to testify on SB 2720.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information

is available at www.hawaiipublicschools.org.



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Executive Officers

Joe Carter, Coca-Cola Bottling of Hawaii, *Chair*
Charlie Gustafson, Tamura Super Market, *Vice Chair*
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Lauren Zirbel, HFIA, *Executive Director*
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Stan Brown, Acosta Sales & Marketing, *Advisor*
Paul Kosasa, ABC Stores, *Advisor*
Derek Kurisu, KTA Superstores, *Advisor*
Beau Oshiro, C&S Wholesale Grocers, *Advisor*
Toby Taniguchi, KTA Superstores, *Advisor*

TO:

Committee on Agriculture and Environment and Committee on Government Operations
Senator Mike Gabbard and Senator Laura H. Thielen, **Chairs**
Senator Russell E. Ruderman Senator Lorraine R. Inouye, **Vice Chairs**

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: February 4, 2020
TIME: 3:30pm
PLACE: Conference Room 225

RE: SB2720 Relating to Procurement

Position: Oppose

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

HFIA is in opposition to this measure preventing state agencies from purchasing water in plastic bottles. This bill actually outlines the many circumstances under which plastic water bottles have advantages over other types of containers: bottled water is an essential component of disaster preparedness and emergency response, plastic bottles prevent contamination and keep water clean, firefighters rely on bottled water to drink while battling blazes, and per the text of the measure “there are no reasonable alternatives to beverages in plastic bottles or rigid plastic containers, such as large public events and when large quantities of beverages may need to be distributed for health and safety reasons.”

It’s also important to note that the majority of bottled water in Hawaii is a locally made product. Small unexpanded water bottle blanks are turned into bottles here, and water is bottled right here on Oahu in Kapolei.

Per Act 254 from last year the State has convened a plastic working group. This groups has been conducting meetings and is working to create solutions that will drive responsible plastic use and waste management in our state. Piecemeal bans are not the answer and we ask that the legislature give the working group time to fulfill its mandate.

Given the many necessary exemptions and advantages of plastic bottles outlined in the bill, and the ongoing work of the plastic working, we believe that it's clear that that banning this local product is not a good choice.

We ask that this measure be held, and we thank you for the opportunity to testify.



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**State of Hawaii
Senate Committee on Government Operations
and
Senate Committee on Agriculture and Environment
Public Hearing on Senate Bill 2720
February 4, 2020**

Testimony

**James P. Toner, Jr.
Director of Government Relations
International Bottled Water Association**

Chairs Thielen and Gabbard, Vice Chairs Inouye and Ruderman, and members of the Senate Committee on Government Operations and the Senate Committee on Agriculture and Environment, the International Bottled Water Association (IBWA) offers the following comments in opposition to Senate Bill 2720, which would prohibit the use of state funds to purchase beverages in single-serve plastic containers, including bottled water, for state agencies.

IBWA is the trade association representing all segments of the bottled water industry, including spring, artesian, mineral, sparkling, well, groundwater, and purified bottled waters. IBWA members include bottled water bottlers, distributors, and suppliers throughout the United States, including several small, medium, and large size companies doing business in Hawaii.

Senate Bill 2720 is not in the public interest, and IBWA would urge the committee not to support it. IBWA opposes this legislation because:

- efforts to restrict access to bottled water would hinder state employees and visitors to state agencies who would like to make healthy beverage choices
- bottled water has the lowest environmental footprint of any packaged beverage
- other types of beverage containers—such as glass, cans, and cardboard cartons—have a larger environmental impact than plastic containers
- being strictly regulated by the U.S. Food and Drug Administration (FDA) as a food product makes bottled water a safe choice

Bottled Water's Role in Healthy Hydration

For those who want to eliminate or moderate calories, sugar, caffeine, artificial flavors or colors, and other ingredients from their diet or simply wish to opt for a convenient beverage with a refreshing taste, reliable quality, and zero calories, choosing water is the right choice – no matter

what the delivery method. When choosing a packaged beverage, bottled water is a smart and health conscious choice. Efforts to eliminate or reduce access to bottled water, such as this legislation, only hinder attempts to encourage people to choose healthier drink options.

In fact, since 2006, approximately 69% of the growth in bottled water consumption has come from people switching from carbonated soft drinks and juices to bottled water. One of the simplest changes a person can make is to switch to drinking water instead of other beverages that are heavy with sugar and calories. According to the Institute of Medicine and the American Journal of Preventative Medicine, one-third of American adults are overweight, and another one-third is obese. And, over the last 30 years, children's obesity rates have climbed from 5 percent to 17 percent. Drinking zero-calorie beverages, such as water, instead of sugar-sweetened beverages is regularly cited as a key component of a more healthful lifestyle, and promoting greater consumption of water from all sources—tap, filtered, or bottled water—can only benefit those efforts.

In today's on-the-go society, most of what we drink comes in a package. Attacks on bottled water only help to promote less healthy options among other packaged beverages, like sports drinks and soda, which have *more packaging, more ingredients, and greater environmental impacts* than bottled water. Research shows that if bottled water isn't available, 74 percent of people will choose soda or another sugar-sweetened beverage – not tap water. If bottled water isn't available to Hawaii state agency employees and visitors, research shows they are likely to turn to a less healthy option, which uses a lot more plastic.

Bottled Water Industry as an Environmental Steward

Just like the bottled water industry, Hawaii prides itself on being proactive when it comes to environmental stewardship and recycling. The state's mandatory bottle deposit program (Solid Waste Management; Deposit Beverage Container Law), in effect for the last 15 years, was specifically implemented to address the recycling of a wide array of beverage containers, including those for bottled water.

Bottled water has the smallest environmental footprint of all packaged beverages. All bottled water containers are 100 percent recyclable, and, as an industry, we support strong community recycling initiatives and recognize that a continued focus on increased recycling is important for everyone. Of all the PET containers recycled through curbside collection systems, bottled water containers make up approximately 55 percent. The bottled water industry is always looking for ways to strengthen existing recycling programs and help to expand recycling efforts ever further. However, even when they are not properly recycled, bottled water containers make up only 3.3 percent of all drink packaging in U.S. landfills. Soda PET plastic containers make up 13.3 percent.

Continual light-weighting of PET bottled water plastic packaging has seen the average weight drop to 9.25 grams per 16.9 ounce single-serve container. That is almost one-third less than the amount of PET it takes to make soda and other drink containers, which need to be thicker due to carbonation and manufacturing processes and weigh, on average, 23.9 grams. According to the Beverage Marketing Corporation, between 2000 and 2014, the average weight of a 16.9 ounce

(half-liter) PET plastic bottled water container declined 51 percent. This resulted in a savings of 6.2 billion pounds of PET resin during that time period.

Plastic PET packaging has the lowest environmental impact compared to alternative packaging types, such as paper and paperboard, glass, steel, and aluminum, findings from an April 2018 report by Franklin Associates show. This report, *Life Cycle Impacts of Plastic Packaging Compared to Substitutes in the United States and Canada*, assessed environmental impact by measuring: energy demand, water consumption, solid waste, and global warming, acidification, eutrophication, smog formation and ozone depletion potential as compared to the aforementioned packaging types.

Bottled Water is a Safe Choice

Bottled water companies produce a safe, healthy, and convenient packaged food product that is comprehensively and stringently regulated by the FDA under the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. § 301 et seq., and applicable sections of Title 21 of the Code of Federal Regulations (CFR). Bottled water must meet the FDA's general food regulations, as well as standards of identity, standards of quality, good manufacturing practices and labeling requirements specifically promulgated for bottled water. By federal law, the FDA regulations governing the safety and quality of bottled water must be as stringent as the EPA regulations governing tap water. And, in some very important cases like coliform bacteria and *E. coli*, bottled water regulations are substantially more stringent.

All bottled water products – whether from groundwater or public water sources – are produced utilizing a multi-barrier approach. From source to finished product, a multi-barrier approach helps prevent possible harmful contamination to the finished product as well as storage, production, and transportation equipment. Measures in a multi-barrier approach may include one or more of the following: source protection, source monitoring, reverse osmosis, distillation, micro-filtration, carbon filtration, ozonation, and ultraviolet (UV) light.

Claims regarding chemicals migrating from plastic water bottles are inaccurate, misleading and only serve to create unnecessary alarm among consumers. Bottled water containers, as with all food packaging materials, must be made from substances approved by the FDA for food contact. Plastic containers that are used for bottled water products (which are made from the same materials used in other food product containers) have undergone FDA scrutiny prior to being available for use in the marketplace. The FDA has determined that the containers used by the bottled water industry are safe for use and do not pose a health risk to consumers.

The bottled water industry supports a strong public water system, which is important for providing citizens with clean and safe drinking water. In fact, many bottled water companies use public water sources for their products. Once this water enters the bottled water plant, several processes are employed to ensure that it meets the FDA's purified water standard, including many of the methods described in the multi-barrier approach above. The finished water product is then placed in a bottle under sanitary conditions and sold to the consumer. Moreover, the water from public water systems is often compromised after emergency situations or natural disasters

(e.g., hurricanes, floods, tornados, fires, or boil alerts). During these times, bottled water is a necessary and reliable alternative to deliver clean, safe drinking water.

IBWA appreciates the efforts to include exemptions in the bill for specific circumstances where bottled water may be necessary. However, in many cases, without bottled water being immediately accessible the ability of state agency employees to get quick and efficient delivery of needed product will be compromised. If manufacturers or distributors are unable to deliver bottled water due to disaster or hazardous conditions, those that are in need will not be able to receive this important commodity at the most vital time.

Conclusion

IBWA hopes that this information has provided you with better insight into the bottled water industry and the importance of access to bottled water for the state agency employees of Hawaii. For these reasons, we would ask that the Committees oppose Senate Bill 2720. We appreciate this opportunity to offer these comments and are available at any time to discuss information on the bottled water industry and the important products we provide.



February 3, 2020

To: The Honorable Mike Gabbard, Chair
Members, Senate Committee on Agriculture and Environment

The Honorable Laura Thielen, Chair
Members, Senate Committee on Government Operations

From: Tim Shestek
Senior Director, State Affairs

Re: **SB 2720 – OPPOSE**

The American Chemistry Council (ACC) must respectfully oppose SB 2720, which would prohibit state agencies from purchasing beverages in plastic bottles or rigid plastic containers. ACC and its members certainly support efforts to reduce litter and marine debris; however, SB 2720 overlooks many potential consequences of implementing such a policy.

SB 2720 falsely assumes that alternatives to plastic beverage containers are environmentally preferable. PET plastic beverage bottles are 100% recyclable and are the single most recycled item nationwide in curbside collection programs and make up only a small percentage of the waste stream. In fact, U.S. Environmental Protection Agency (EPA) data shows that plastic water bottles make up less than one-third of one percent of the U.S. waste stream.

Additionally, manufacturers of plastic beverage bottles are continually looking for ways to lighten their environmental footprint by reducing the raw materials used in PET plastic through light weighting, redesign, and use of post-consumer recycled materials. Between 2000 and 2014, the average weight of a single-serve PET bottled water container dropped by 51% and bottled water companies are already using up to 50% recycled material in their plastic bottles.

In addition to taking away consumer choice, SB 2720 could result in a shift to other packaging materials that may not be as widely recycled and use significantly more resources to manufacture and transport.

Thank you in advance for considering our views. If you have any questions, please do not hesitate to contact me at 916-448-2581 or via email at tim_shestek@americanchemistry.com. You may also contact ACC's Hawaii based representative Ross Yamasaki at 808-531-4551.



February 3, 2020

Senator Mike Gabbard, Chair
Committee on Agriculture and Environment
Hawaii State Capitol, Room 201
Honolulu, Hawaii 96813

Senator Laura Thielen, Chair
Committee on Government Operations
Hawaii State Capitol, Room 231
Honolulu, Hawaii 96813

Re: SB 2720 – Relating to Procurement – Opposed

Honorable Mike Gabbard and Laura Thielen:

We write to respectfully express our opposition to SB 2720 that will be considered in your committees. While we understand and respect the intent of the bill – to prevent plastic water bottles from becoming litter or occupying landfill space – we are concerned that the state is not prioritizing important environmental priorities. We are also concerned that this will send a message to the citizens of Hawaii that recycling is not a feasible option for waste management. For these reasons which are outlined in more detail below, we ask that you oppose this bill.

Alternatives can be worse

It must be remembered that plastic is an efficient material in terms of its production and use as packaging. When considering the entire lifecycle of a product, the environmental impacts of plastic packaging are less impactful than the alternatives with respect to total energy demand, water consumption and global warming potentialⁱ. Moreover, plastic is lighter and more versatile than paper and metal packaging types – a quality that makes it environmentally friendly when transporting the foods, beverages and goods this product protects. The impact of using these alternatives could be larger than intended considering the vast number of state employees and the number of citizens who visit state agencies on a day-to-day basis. It should also be noted that alternatives are more costly than plastic which the state will have to account for in its annual budgets.

Reduces important feedstock supply

Plastic bottles, commonly made of polyethylene terephthalate, serve as an important feedstock for plastic recyclers. This material can help supplement the recycling operations at facilities that process a variety of materials due to its high demand and variety of downstream uses. Beverage bottles serve as an important feedstock for new products like clothing, carpet, and any number of other non-food plastic items. Cutting off this potential supply of recycled resin will cause those who use it in the manufacture of their products to resort to using virgin material – countering one of the intentions of this bill.

Pending Legislation and Solutions

The state legislature currently has a number of bills that we believe are better suited to increase recycling and reduce litter. Bills like HB 553 (establishes a statewide anti-littering public education and awareness

campaign), HB 2404 / SB 3144 (Recycling Facility Grant Program), SB 2548 (Marine Debris Recycling Pilot Project) and SB 3084 (Residential and Commercial Solid Waste Assistance) should be given more attention before restricting the use of plastic. While bans seem like a simple solution, they do nothing to educate consumers about proper waste management practices.

We hope that the legislature will take time to work with industry to find more sustainable solutions to existing solid waste reduction goals. The plastics industry does not want to see its product go to waste or become litter.

To learn more about the positive impact of plastics, please email me (SCrawford@plasticsindustry.org) or visit our websites www.plasticsindustry.org or www.ThisIsPlastics.com.

Sincerely,



Shannon V. Crawford
Director, State Government Affairs

ⁱ <https://plastics.americanchemistry.com/Reports-and-Publications/LCA-of-Plastic-Packaging-Compared-to-Substitutes.pdf>

SB-2720

Submitted on: 1/29/2020 3:04:46 PM

Testimony for AEN on 2/4/2020 3:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments:

SB-2720

Submitted on: 1/29/2020 8:04:58 PM

Testimony for AEN on 2/4/2020 3:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gerard Silva	Individual	Oppose	No

Comments:

Plastic water bottles are important in and Emergencie. It is the easiest way to distrubute water to those who need it. Stop being Idots Like California. The people of Hawaii do not like to be linked to corupt Califorina and the Activies that are distoring tha State.

SB-2720

Submitted on: 2/3/2020 10:16:59 PM

Testimony for AEN on 2/4/2020 3:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Azuma Chrupalyk	Individual	Support	No

Comments: