



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

WRITTEN
TESTIMONY ONLY

**Testimony COMMENTING on SB0348 SD1
RELATING TO BOTTLE WATER**

REPRESENTATIVE AARON LING JOHANSON, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Hearing Date: 3/23/2021 Room Number: VIDEO

1 **Fiscal Implications:** None

2 **Department Testimony:** A review of current U.S. Food and Drug Administration's (FDA)
3 Current Good Manufacturing Practices (cGMP's) for bottled water (21 CFR 129 and 165) found
4 no requirement for bottled water manufacturers to use only dedicated production lines to further
5 minimize potential for microbiological contamination of the finished product. Hawaii bottled
6 water manufacturers are required to comply with these cGMP rules, which require cleaning and
7 sanitizing of all equipment used to process bottled water.

8 Similar cGMP rules for cleaning and sanitizing equipment lines are required for the
9 manufacturing of soda, juice and other beverages.

10 The Department of Health (Department) has no objections to a beverage manufacturer utilizing
11 the same production equipment to process bottled water in addition to other beverages as long as
12 all appropriate cleaning and sanitizing procedures are conducted between productions.

13 The Department respectfully requests that the committee consider updating HRS 328D-2 to
14 reflect current FDA rules regarding product quality standards for bottled water found in 21 CFR
15 165.110. Currently, HRS 328D-2 states, in part, "all bottled water shall meet standards
16 prescribed by FDA in 21 C.F.R. section 103.35, except that the total dissolved solids limitation
17 of section 103.35(d) shall not apply to mineral water."

1 Federally, 21 CFR 103.35 has been replaced with 21 CFR 165.110 and includes the same
2 exception for mineral water compliance with total dissolved solids in 21 CFR 165.110(b)(4) as
3 currently exists in the outdated reference to 21 CFR 103.35(d). It is worth noting that the
4 exemptions, according to FDA, are aesthetically based allowable levels and do not relate to a
5 health concern.

6 If left unchanged, HRS 328D-2 will refer to an old CFR that existed at the time that section of
7 this statute was originally enacted. The Department feels it will be helpful to update this statute
8 to reflect the most current referenced federal material.

9 **Offered Amendments:** §328D-2 Product quality. (a) All bottled water shall be from an
10 approved source and shall not contain any constituent in quantities that may be injurious to
11 health, as established by rules adopted by the department or other government agency or
12 agencies having jurisdiction. All bottled water shall meet standards prescribed by the FDA in 21
13 C.F.R. section ~~103.35~~ 165.110., ~~except that the total dissolved solids limitation of section~~
14 ~~103.35(d) shall not apply to mineral water.~~

15 (b) Except as provided in subsection (a), bottled water, including mineral water, shall not
16 exceed any maximum contaminant level (MCL) established by the EPA under the Safe Drinking
17 Water Act or standards established by the department or other government agency or agencies
18 having jurisdiction for any organic or inorganic chemical. [L 1988, c 304, pt of §1]

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



NATIONAL MARINE TEAM

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

March 23, 2021 2:00PM Via Videoconference

In SUPPORT of SB 348: Relating to Bottled Water

Aloha Chair Johanson, Vice Chair Kitagawa, and members of the committee,

On behalf of our over 1 million members and supporters nationally, the Sierra Club's Marine Team **strongly supports SB 348**, which would repeal the requirement that noncarbonated bottled water to be transported, stored, processed, or bottled through lines or equipment through which only water is passed, thereby necessitating separate equipment for canning water separately from existing infrastructure in place for other canned beverages.

Plastic bottles are rarely recycled, and plastics pose a dire threat to our oceans, to our marine life, and contributes to our *opala* problem and reliance on unsustainable disposal practices. Less than 10% of plastic bottles are ever recycled. The rate is considered to be even lower in Hawai'i. As a beautiful island culture, we must consider everything we put into the environment. Aluminum cans are 100% recyclable, infinitely recyclable without losing integrity, recycled at over twice the rate of other materials, and 75% of aluminum ever put into production is still in use. Aluminum is a far more environmentally friendly alternative to petroleum-based plastic.

Importantly, as the country and world moves away from plastics, and plastic bottled water becomes more and more obsolete, it will be imperative for Hawai'i to have the practical infrastructure in place to can our own water, lest we remain reliant on the excessive, CO₂-heavy, and expensive practice of importing products from the mainland. Furthermore, the COVID-19 pandemic has highlighted that it's more important than ever to have manufacturing independence and capabilities to avoid reliance on supply and distribution problems.

Furthermore, putting still water into cans is safe and does not jeopardize the health and safety of the end consumer. Standard widespread protocol of using antimicrobial agents such as ozone in the filling process eliminates the potential for microbiological contamination when water is filled in aluminum cans on the same lines as other beverages.

Thank you very much for this opportunity to provide testimony in **support of SB 348**. I am available to answer any questions you may have or work with you on this bill.

Mahalo,
Leilei Joy Shih, Ph.D.
Chair, National Marine Team, the Sierra Club
joy.shih@gmail.com



1050 Bishop St. PMB 235 | Honolulu, HI 96813
P: 808-533-1292 | e: info@hawaiiifood.com

Executive Officers

Joe Carter, Coca-Cola Bottling of Hawaii, *Chair*
Charlie Gustafson, Tamura Super Market, *Vice Chair*
Eddie Asato, The Pint Size Corp., *Secretary/Treas.*
Lauren Zirbel, HFIA, *Executive Director*
John Schlif, Rainbow Sales and Marketing, *Advisor*
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 Consumer Protection and Commerce
Rep. Aaron Ling Johanson, Chair
Rep. Lisa Kitagawa, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: March 23, 2021
TIME: 2pm
PLACE: Via Videoconference

RE: SB348 SD1 Relating to Bottled Water

Position: Support

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 support of this measure. Many people don't know that the canned and bottled drinks that they enjoy here in Hawaii are local products. Internationally and locally known drinks are bottled and canned right here on Oahu.

Current statute hurts our beverage manufacturers' ability to can and bottle water. This bill would pave the way for more local beverage manufacturing. The piece of statute removed by this bill is not law in any other state and there is no reason to keep it on the books.

We urge you to pass this measure and we thank you for the opportunity to testify.



Ball Corporation
2111 Wilson Blvd.
Arlington, VA 22201

March 22, 2021

The Honorable Aaron Ling Johanson
Chair, House Committee on Consumer Protection & Commerce

The Honorable Lisa Kitagawa
Vice Chair, House Committee on Consumer Protection & Commerce

SUBJECT: S.B. 348 Relating to Bottled Water -- SUPPORT

Dear Chair Johanson and Vice Chair Kitagawa, and Members of the committee,

On behalf of Ball Corporation, thank you for the opportunity to submit testimony in support of S.B. 348, relating to bottled water for the hearing to be held by the committee on March 23, 2021.

Headquartered in Colorado, Ball Corporation was founded in 1880 and supplies innovative, sustainable aluminum packaging solutions for beverage, personal care and household product customers. As the world's largest aluminum beverage can manufacturer, we employ 18,300 people globally, 46 people work at our plant in Kapolei.

Today, our Kapolei plant supplies cans for more than 20 locally based businesses including Maui Brewing Company, Hawaiian Sun, Honolulu Beerworks and many others. Current law does not allow beverage companies interested in putting water into aluminum cans to use the same filling equipment, lines and process used for other beverages such as carbonated soft drinks, juices and beer. This is unique to Hawaii. No other state imposes this restriction. Lifting this constraint would allow beverage companies in Hawaii to expand their businesses by putting still water in aluminum cans meeting the growing demand for water in sustainable packaging while continuing to invest in the local economy.

Passage of S.B. 348 will not jeopardize the health and safety of the end consumer. Using antimicrobial agents such as ozone in the filling process eliminates the potential for microbiological contamination when water is filled in aluminum cans on the same lines as other beverages.

Aluminum cans are infinitely recyclable with 75% of all aluminum ever produced still in use today. This compares with only 9% of plastic ever having been recycled once. Putting water in aluminum cans gives consumers greater choice, offers a sustainable alternative to single use plastics and takes a step in protecting the Hawaiian Islands against the long-term impacts of plastic pollution.

March 22, 2021

Page 2

The passage of this bill would create positive impact; both supporting local businesses and the Hawaiian economy while also providing a local solution to a challenging environmental problem.

Thanks you again for this opportunity to submit testimony and for your work on this important issue. If you have questions, please contact me at 703-284-5414.

Respectfully Submitted,

John Campbell

John Campbell
Vice President, Government Relations
Ball Corporation



**Testimony of Sweetie Nelson, Director of Destination Marketing
Ko Olina Resort Operators Association**

March 23, 2021

**RE: Senate Bill 348 SD1
Committee on Commerce and Consumer Protection
Tuesday, March 23, 2021 2:00 p.m.**

Aloha Chair Johanson, Vice Chair Kitagawa and Committee Members,

My name is Sweetie Nelson. I am the director of destination marketing for the Ko Olina Resort Operators Association, representing the hotels, resorts and commercial businesses at Ko Olina.

Ko Olina Resort believes it is our kuleana to malama our ocean and our 'aina, to choose to reduce, rescue and recycle at every opportunity and to be mindful of the importance of the environment to Hawaii's culture.

Ko Olina Resort is in strong support of Senate Bill 348 which repeals the requirement that noncarbonated bottled water be transported, stored, processed or bottled through lines or equipment through which only water is passed. Currently, the law discriminates against the most recycled and sustainable package in the marketplace – aluminum beverage cans.

Aluminum is the future for a plastic-free environment. Putting water in cans gives consumers greater choice and supports a transition from the single use plastics widely used throughout the industry today to a more sustainable alternative. We are aware of the global environmental problems that single use plastics, including plastic bottles, have given rise to and we look forward to doing our part in ensuring a cleaner, viable future for our oceans and Hawai'i's aina.

This change will also allow local beverage companies to expand their business in Hawaii while meeting the increased demand for sustainably packaged water.

Mahalo for the opportunity to offer this testimony and for your consideration,

With Aloha,

Sweetie Nelson
Director of Destination Marketing
Ko Olina Resort Operators Association



Ball Corporation
91-320 Komohana St
Kapolei, Hawaii 96707

March 22, 2021

The Honorable Aaron Ling Johanson
Chair, House Committee on Consumer Protection and Commerce

The Honorable Lisa Kitagawa
Vice Chair, House Committee on Consumer Protection and Commerce

SUBJECT: S.B. 348 Relating to Bottled Water -- SUPPORT

Dear Chair Johanson and Vice Chair Kitagawa,

On behalf of Ball Corporation, thank you for the opportunity to submit testimony in support of S.B. 348, relating to bottled water.

Ball Corporation, founded in 1880, is the world's largest aluminum beverage and aluminum aerosol can manufacturer, supplying innovative, sustainable and infinitely recyclable packaging solutions to customers worldwide employing 18,300 people globally, 46 work at our plant in Kapolei.

Current law does not allow beverage companies interested in putting water into aluminum cans to use the same filling equipment, lines and process used for other beverages such as carbonated soft drinks, juices and beer. This is unique to Hawaii. No other state imposes this restriction.

Passage of S.B. 348 will in no way jeopardize the health and safety of the end consumer. Using antimicrobial agents such as ozone in the filling process eliminates the potential for microbiological contamination when water is filled in aluminum cans on the same lines as other beverages.

Passage of this bill would give fillers interested in putting water into aluminum cans the same flexibility that currently exists on the mainland and will support local businesses in their ability to grow and thrive.

Aluminum cans are infinitely recyclable as evidenced by the fact that of all the aluminum ever produced, nearly 75% is still in use today. Putting water in aluminum gives consumers greater choice and offers a sustainable alternative to single use plastics so widely used today.

Thanks you again for this opportunity to submit testimony and for your work on this important issue.

March 22, 2021

Page 2

If you have questions, please contact me at 808-682-1200

Respectfully Submitted,

Jeff Matthijssen

Jeff Matthijssen

Plant Manager – Hawaii Can Plant



March 23, 2021

2:00 p.m.

VIA VIDEOCONFERENCE

Conference Room 329

To: House Committee on Consumer Protection & Commerce

Rep. Aaron Ling Johanson, Chair

Rep. Lisa Kitagawa, Vice Chair

From: Grassroot Institute of Hawaii

Joe Kent, Executive Vice President

RE: SB348 SD1 — RELATING TO BOTTLED WATER

Comments Only

Dear Chair and Committee Members:

The Grassroot Institute of Hawaii would like to offer its comments on SB348, which would repeal the requirement that noncarbonated bottled water be transported, stored, processed, or bottled through lines or equipment through which only water is passed.

We commend the Legislature for examining ways in which to reduce unnecessary regulation and provide new opportunities for local businesses.

In [“Road map to prosperity,”](#) our report on strategies to rebuild the state’s economy following the COVID-19 emergency and lockdowns, we emphasized the importance of implementing regulatory reforms that would help local businesses innovate, explore different products and services and reach new customers. We also suggested soliciting feedback from local businesses so as to better understand what reforms would be most useful in our current economy.

The reforms envisioned in this bill are exactly the kind of change that we recommend in that report. Testimony from local businesses suggests that this bill will allow them to expand into new products. In addition, any concerns about public health and safety are addressed by the adherence to FDA standards.

In short, SB348 would be a good step towards encouraging economic growth and helping local business.

Thank you for the opportunity to submit our comments.

Sincerely,
Joe Kent
Executive Vice President
Grassroot Institute of Hawaii