



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
RELATING TO BOTTLED WATER

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Hearing Date: 2/3/2021 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3 currently exists in the outdated reference to 21 CFR 103.35(d).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7 this statute was originally enacted.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:**

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

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

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



MAUI BREWING CO

January 28, 2021

Senate Committee on Agriculture and Environment
SB348 Relating to Bottled Water
Monday, February 3rd, 2021 at 1:30pm. Conference Room 224

Re: **IN SUPPORT OF SB348**

Aloha Chair Senator Mike Gabbard, Vice Chair Senator Russell E. Ruderman, and members of the Committee on Agriculture and Environment,

My name is Garrett W. Marrero, I live in Kihei, HI. Maui Brewing Co. has locations on Maui in Lahaina and Kihei, and on Oahu in Waikiki and Kailua. We distribute across the Hawaii, 23 other States, and 13 countries. We began in 2005 with 26 team members and have added more than 500 to our team. My wife and I were selected as the National Small Business Persons of the year in 2017 for our work at Maui Brewing Co. I am writing on behalf of myself and our local family-operated business in support of **SB348** which amends the current unnecessary restrictions on packaging water into bottles and cans.

Hawaii is currently the only State that requires water bottles or cans be filled on a dedicated filling line. Not only is this enormously expensive (minimum \$3,000,000 – \$5,000,000) but also highly unnecessary. Additionally, water carries some of the lowest, if not the lowest, margins in the beverage industry making investments such as this a ludicrous business decision.

Why is this important? Plastic! We have far too much plastic being generated from single-use bottles. It is never too late to do the right thing. I believe this applies here because we absolutely need to address the plastic pandemic. This starts by reducing and hopefully one day eliminating single use plastics. Hawaii has an aluminum can plant that can meet the needs of packaged water in the State. There are several fillers here that would be able to fill water into these cans provided they have made the appropriate investments in the right equipment. We are prepared to commit to the environment and the State to launch a Filtered Canned Water line to help in this pursuit.

The Maui Brewing Co. family of brands is built on sustainability and this past year we became nearly grid-independent for electrical energy. Our manufacturing processes always take into account how we can lead by example in responsible manufacturing and sustainability. We will be proud to lead the charge into canned water.

Mahalo for your consideration. We urge you to pass this bill. Thank you for the opportunity to provide testimony in support of **SB348**.

Mahalo,

Garrett W. Marrero
CEO/Founder

Handcrafted Ales & Lagers Brewed with Aloha
605 Lipoa Parkway, Kihei, HI 96753
808.213.3002



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 Agriculture and Environment
Senator Mike Gabbard, Chair
Senator Clarence K. Nishihara, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: February 3, 2021
TIME: 1pm
PLACE: Via Videoconference

RE: SB348 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.



NATIONAL MARINE TEAM

COMMITTEE ON AGRICULTURE AND ENVIRONMENT

February 3, 2021 1:00PM Via Videoconference

In SUPPORT of SB 348: Relating to Bottled Water

Aloha Chair Gabbard, Vice Chair Nishihara, 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.

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



Ball Corporation

91-320 Komohana St
Kapolei, Hawaii 96707

February 1, 2021

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

The Honorable Clarence Nishihara
Ranking Member, Senate Committee on Agriculture and Environment

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

Dear Chairman Gabbard and Ranking Member Nishihara 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.

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.

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

Respectfully Submitted,

Jeff Matthijssen

Jeff Matthijssen
Plant Manager – Hawaii Can Plant



Ball Corporation
2111 Wilson Blvd.
Arlington, VA 22201

February 1, 2021

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

The Honorable Clarence Nishihara
Ranking Member, Senate Committee on Agriculture and Environment

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

Dear Chairman Gabbard and Ranking Member Nishihara 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.

Headquartered in Colorado, Ball Corporation was founded in 1880 and supplies innovative, sustainable aluminum packaging solutions for beverage, personal care and household produce 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.

February 1, 2021

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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**

February 3, 2021

**RE: Senate Bill 348
Committee on Agriculture and Environment
Wednesday, February 3, 2021 @ 1:00 p.m.**

Aloha Senator Gabbard and Senator Nishihara,

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 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 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.

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

MANANALU

February 3, 2021

The Honorable Mike Gabbard, Chair
Committee on Agriculture and Environment
Hawaii State Capitol, Via Videoconference
Honolulu, HI 96813

The Honorable Clarence Nishihara
Ranking Member, Senate Committee on Agriculture and Environment
Via Videoconference, State Capitol, Honolulu, HI 96813

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

Dear Chairs Gabbard and Nishihara and Members of the Committee,

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

Mananalulu was launched in 2019 by Hawaiian native Jason Momoa who submitted testimony regarding this cause in 2020. I would like to take the opportunity to follow up with additional testimony on behalf of Mananalulu for the urgent cause you are reviewing, which could greatly affect one of the most destructive practices of our time- the use and discarding of single-use plastic. Today, more than 8 million metric tons of plastic are dumped into the oceans each year. One of the largest culprits of this atrocity is single-use plastic water bottles. And, unless we do something different, this problem is only going to grow to proportions that may cause irreversible damage. The bottled water industry is projected to grow to more than \$500B by 2028. This is an 11% compounded annual growth rate from where we are today. With our "business as usual" practice, the compounded destruction to our oceans will reach epic proportions. We need a new plan. Together with you, Mananalulu can help rid the world of plastic water containers by allowing our purest water be packaged in aluminum, one of the most recyclable materials in the world.

Current law does not allow beverage companies like Mananalulu 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 this bill would give companies like Mananalulu and others the ability of the consumer to make a better choice for their health, their families, and the future of our oceans.

Aluminum cans are infinitely recyclable. 75% of all Aluminum mined is still in circulation today. Aluminum is a key factor in the future for a plastic-free environment. Putting water in cans gives consumers greater choice on the island and supports a transition to sustainable alternative to single use plastics so widely used.

Inspired by the passion of our founder, Jason Momoa, who was born in Nānākuli, it is our mission to clean up our oceans and protect beautiful Hawaii for generations to come. We believe passage of this bill gets us one step closer to achieving that goal and supporting a plastic-free future.

Thank you for considering our testimony and this important issue.

Most respectfully,
David Cuthbert
CEO, Mananalulu, <https://www.mananalulu.com/>

SB-348

Submitted on: 2/2/2021 4:31:32 AM

Testimony for AEN on 2/3/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sara Cragun	Individual	Support	No

Comments:

We care about our reliance on plastic. We care about our environment. Please pass this and allow local companies to use recyclable aluminum to can water in a more ecofriendly way.

Thank you.