



**LATE**

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

In reply, please refer to:  
File:

**SENATE COMMITTEE ON WAYS AND MEANS**

**S.B. 1133, S.D.1, RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM**

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

**February 22, 2013  
9:00 a.m.**

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

2 **Fiscal Implications:** Undetermined. This measure is not intended to enhance revenue.

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

5 If passed, this measure will bring previously uncovered products into the DBC Program. It is not  
6 intended to enhance revenue, but is instead addressing an administrative issue regarding dietary supplements  
7 that costs the program a disproportionate amount of time and resources and creates uncertainty regarding  
8 product determinations. The department has no data on the amount of products that would be affected due in  
9 part to the continually changing nature of the dietary supplement market.

10 We note that the exemption for drugs, medical food and infant formula remains in the law. The  
11 department has no intention of modifying these exemptions.

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

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

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# Sierra Club Hawai'i Chapter

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## SENATE COMMITTEE ON ENERGY AND ENVIRONMENT

February 22, 2013, 9:00 A.M.  
(Testimony is 1 page long)

### TESTIMONY IN SUPPORT OF SB 1133 SD1

Chair Ige and members of the Committee:

The Sierra Club, Hawaii Chapter, with over 10,000 dues paying members and supporters statewide, respectfully *supports* SB 1133 SD1. 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.

Mahalo for the opportunity to testify.