

STAND. COM. REP. NO.

26

Honolulu, Hawaii

FEB 08 2021

RE: S.B. No. 348
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Agriculture and Environment, to which was referred S.B. No. 348 entitled:

"A BILL FOR AN ACT RELATING TO BOTTLED WATER,"

begs leave to report as follows:

The purpose and intent of this measure is to repeal the requirement that noncarbonated bottled water not be transported, stored, processed, or bottled in or through lines or equipment through which any food product other than water is passed.

Your Committee received testimony in support of this measure from Maui Brewing Company, Hawaii Food Industry Association, Sierra Club National Marine Team, Ball Corporation, Ko Olina Resort Hawai'i, Mananalua, and one individual. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that Americans send more than thirty-eight billion water bottles to landfills every year, while only thirty percent of water bottles are placed in a recycling bin. Aluminum cans, however, are recycled twice as often as plastic, glass, and cartons. Unlike single-use plastic bottles, one hundred percent of the aluminum can is recyclable, meaning the material from one aluminum can or bottle can be used to make another aluminum can without any new material. This closed loop cycle can take as little as sixty days.



Your Committee further finds that many carbonated soft drink companies in other states also produce canned noncarbonated water with the same equipment used to make their other products. However, existing state law expressly prohibits carbonated soft drink, juice, and beer operations from using the same equipment to can noncarbonated bottled water. Hawaii bottled water manufacturers are required to comply with a United States Food and Drug Administration's (FDA) rule that is outdated and has been superseded by another FDA rule. Complying with the outdated FDA rule is costly and unfairly and unnecessarily limits local beverage filling companies that manufacture other products from providing noncarbonated water in aluminum cans to consumers as an alternative to single-use plastic water bottles. Lifting this constraint would allow beverage companies in the State 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. Accordingly, this measure repeals the existing restriction.

Your Committee has amended this measure by:

- (1) Updating section 328D-2, Hawaii Revised Statutes, to reflect current rules of the FDA regarding product quality standards for bottled water found in 21 C.F.R. section 165.110; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 348, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 348, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.



Respectfully submitted on
behalf of the members of the
Committee on Agriculture and
Environment,



MIKE GABBARD, Chair



