

HOUSE BILL REPORT

HB 1525

As Reported by House Committee On:
Environment

Title: An act relating to beverage containers.

Brief Description: Concerning beverage containers.

Sponsors: Representatives Caldier, Buys, Stokesbary, Wilson, Van Werven and Riccelli.

Brief History:

Committee Activity:

Environment: 1/19/16, 2/4/16 [DPS].

Brief Summary of Substitute Bill

- Allows a beer or cider container to be lawfully sold with a removable metal lid without violating the prohibition on detachable parts as long as the lid is purposefully designed to be opened by removing the entire lid and effectively transforming the can into a drinking cup.
- Requires any beer or cider cans sold with a removable lid to contain notice on the container directing the consumer to dispose of the detachable lid separately.

HOUSE COMMITTEE ON ENVIRONMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Dye, Goodman, Pike and Taylor.

Minority Report: Without recommendation. Signed by 3 members: Representatives Farrell, Fey and McBride.

Staff: Jason Callahan (786-7117).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Beverage containers are prohibited from sale in Washington if they are designed to be opened by a detachable metal ring or tab. This prohibition applies to cans of beer, malt beverages, mineral water, soda water, or any other drinks intended for human consumption other than soy or milk-based products that require heat and pressure in the canning process.

The prohibition of metal tab cans is enforced by the Department of Ecology and is punishable through a civil penalty of up to \$500 per violation per day.

Summary of Substitute Bill:

A beer or cider container may be lawfully sold with a removable metal lid without violating the prohibition on detachable parts as long as the container is purposefully designed to be opened by removing the entire lid and effectively transforming the can into a drinking cup. Any cans sold with this type of lid must contain notice on the container directing the consumer to dispose of the detachable lid separately.

This act may be known as the "Beer Freedom Act."

Substitute Bill Compared to Original Bill:

The original bill exempted beer and other malt beverages from the definition of "beverage" for the purposes of the prohibition on all containers designed to be opened by a detachable metal ring or tab and did not require the entire lid to be removed in order to be eligible for sale. This original bill did not require any labeling on the container and did not have a name for the act.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There is a new technology available for beer cans that involves the removal of the entire lid and turning the can into the equivalent of a drinking cup. However, the antiquated law prohibiting metal pull tab openings means that craft brewers in Washington cannot utilize the technology to showcase their product as brewers can in 12 other states. The wide opening not only reduces waste by removing the need for a cup, but it allows the consumer to enjoy the full olfactory enjoyment of the product.

Traditional beer cans either have to be consumed directly from the can, reducing the enjoyment of the consumer, or poured into a glass, increasing waste and removing the

marketing opportunity inherent in someone drinking from a can emblazoned with the brewer's logo. The new cans are made of aluminum, which is an infinitely recyclable material. They are also designed to have smooth edges and to evacuate their contents if turned into a projectile by the consumer, unlike the cans of old, so as to be safer during events and if littered. They are easily recyclable and empower craft brewers to compete for shelf space with the large, out-of-state brewers.

Allowing the new can technology will allow local, craft brewers to continue their growth. Craft brewing is a viable industry with an economic impact in the state measured in the billions of dollars. Supporting craft brewers also means supporting Washington agriculture. Craft brewers source most of their hops from Washington and serve as a showcase for Washington hops.

(Opposed) Since 1983 the law prohibiting detachable can tops has proven to be a success in reducing littering and increasing recycling. Repealing that law for beer is a step in the wrong direction. The current aluminum can is a great environmental product because all parts of the can stay with the can when it is disposed of and recycled. Detachable lids will likely be too small to be recycled, and may contaminate other recycling streams.

When recycling-rates decrease, there is both an environmental and economic loss to the state. The loss of aluminum in the recycling stream is a loss of money for the recycling centers. The detachable tops that are not recycled will likely be littered, causing a dangerous situation with small, sharp pieces of metal being on the ground.

Persons Testifying: (In support) Representative Caldier, prime sponsor; John Philbrick, Crown Cork and Seal; and Mike Runion, 7 Seas Brewing.

(Opposed) Suellen Mele, Zero Waste Washington.

Persons Signed In To Testify But Not Testifying: None.