CHPA® | CONSUMER HEALTHCARE PRODUCTS ASSOCIATION

Taking healthcare personally.

May 13, 2025

The Honorable Chairman David Bennett
House Committee on Environment & Natural Resources
Rhode Island State Senate
Providence, RI 02903

Re: Amendment Request for H6207 - "Extended Producer Responsibility for Packaging and Paper Act"

Dear Chair Bennett,

Thank you for the opportunity to comment on H6207, the "Extended Producer Responsibility for Packaging and Paper Act." The Consumer Healthcare Products Association (CHPA)[1] supports environmentally responsible waste reduction initiatives, we believe effective environmental policy must be carefully balanced with existing regulatory frameworks. We appreciate the bill's current exemptions for most Food and Drug Administration (FDA) regulated healthcare products; however, we respectfully request that this exemption be extended to include FDA-regulated dietary supplements. These products are subject to stringent federal packaging requirements designed to ensure product safety, integrity, and consumer protection—requirements that conflict with some provisions in the proposed legislation.

Rationale for the Amendment

The FDA regulates consumer healthcare product packaging under Good Manufacturing Practices regulations (GMPs) (21 C.F.R. Part 211, Subpart G), including material examination and usage criteria, packaging and labeling operations, tamper-evident packaging and expiration dating. Similarly, FDA regulates dietary supplement product packaging under separate GMP regulations (21 C.F.R. Part 111, Subpart L) so that the condition of the packaging will ensure the quality of the dietary supplements (§ 111.410); and that it will protect against contamination, particularly airborne contamination (§ 111.415). Other consumer healthcare products are also regulated by the Consumer Product Safety Commission under the Poison Prevention Packaging Act (PPPA), which requires child resistant packaging. Manufacturers are required to test and certify compliance and products can be considered misbranded under the Federal Food, Drug, and Cosmetic Act when packaging does not comply with PPPA packaging and labeling regulations.

H6207, like most extended producer responsibility (EPR) bills considered in states around the country, justifiably exempts FDA regulated over-the-counter drugs and medical devices. This is important given the existing federal restrictions on packaging material use for these healthcare items. The bill falls short, however, in providing this same exception to dietary supplements.

To maintain consistency with national standards and prevent regulatory confusion, we request that FDA-regulated dietary supplements receive the same exemption granted to other FDA-regulated healthcare products. Dietary supplements, like pharmaceuticals and

[1] Consumer Healthcare Products Association is the Washington, D.C. based national trade group representing the manufacturers of over-the-counter medications, medical devices, and dietary supplements

medical devices, undergo thorough FDA packaging inspections. The specialized packaging requirements for these products often make blanket state packaging mandates impractical. Including dietary supplements among the exempted healthcare categories would support the legislation's environmental goals while ensuring these important health products remain accessible and affordable.

Exemption Request

To avoid state and federal regulatory conflict, CHPA recommends exempting FDA regulated consumer healthcare products, including dietary supplements, from the requirements of H6207. This exemption can be accomplished by amending the language on page 4, lines 28-29, item (iv) as follows:

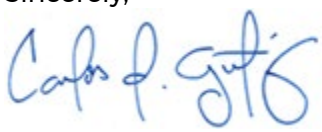
(iv) Are packaging for a product regulated as a drug, ~~or~~ medical device, or dietary supplement by the U.S. Food and Drug Administration, including associated components and consumable medical equipment;

Conclusion

Packaging for pharmaceuticals, dietary supplements, and medical devices operates within a complex, highly regulated environment that requires manufacturers to address numerous considerations beyond basic package aesthetics. An established federal framework has effectively governed industry packaging for decades, successfully serving the public interest. Therefore, we respectfully request that FDA-regulated dietary supplements be granted an exemption within the proposed legislation.

Thank you for taking the time to consider our concerns and feel free to contact me directly with any follow-up questions you may have.

Sincerely,



Carlos I. Gutiérrez
Vice President, State & Local Government Affairs
Consumer Healthcare Products Association
Washington, D.C.
202.429.3521
cgutierrez@chpa.org

Cc: Members of the House Committee on Environment and Natural Resources
The Honorable Representative Carol McEntee