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May 26, 2026

The Honorable Representative David Bennett
Chairman, House Committee on Environment and Natural Resources
State House, Room 317
Providence, RI 02903

Re: Amendment Request for House Bill No. 7911 - "Extended Producer Responsibility for Packaging and Paper Act"

Dear Chairman Bennett:

Thank you for the opportunity to comment on House Bill No. 7911, the "Extended Producer Responsibility for Packaging and Paper Act." The Consumer Healthcare Products Association (CHPA)[1] supports environmentally responsible waste reduction initiatives, and 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 oversees packaging for consumer healthcare products through its Good Manufacturing Practices (GMP) regulations (21 C.F.R. Part 211, Subpart G), which address material standards, packaging and labeling procedures, tamper-evident requirements, and expiration dating. Dietary supplement packaging falls under a parallel set of GMP rules (21 C.F.R. Part 111, Subpart L) designed to preserve product quality (§ 111.410) and guard against contamination, including airborne exposure (§ 111.415). Beyond FDA oversight, the Consumer Product Safety Commission enforces child-resistant packaging requirements for certain consumer healthcare products under the Poison Prevention Packaging Act (PPPA). Manufacturers bear responsibility for testing and certifying compliance, and products may be deemed misbranded under the Federal Food, Drug, and Cosmetic Act if their packaging fails to meet PPPA standards.

H 7911, consistent with extended producer responsibility (EPR) legislation being advanced across the country, appropriately exempts FDA-regulated over-the-counter drugs and medical devices — a reasonable carve-out given the federal packaging requirements already governing these products. However, the bill does not extend that same exemption to dietary supplements, which represents a significant gap.

We urge the bill's sponsors to align dietary supplements with the other FDA-regulated healthcare products already exempted. Like pharmaceuticals and medical devices, dietary supplements are subject to rigorous FDA packaging oversight, and their specialized

[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

packaging requirements can make broad, uniform state mandates difficult to implement in practice. Bringing dietary supplements under the same exemption would preserve the bill's environmental objectives while helping to keep these widely used health products both accessible and affordable for consumers.

Exemption Request

To avoid state and federal regulatory conflict, CHPA recommends exempting all FDA regulated consumer healthcare products, including dietary supplements, from the requirements of H 7911. This exemption can be accomplished by amending the language on page 5, lines 16-18, item (iv) as follows:

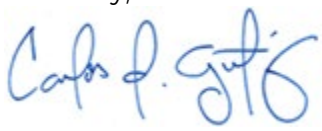
(iv) Are primary, secondary, and tertiary packaging for a product regulated as a drug, ~~or~~ medical device, or dietary supplement by the U.S. Food and Drug Administration, including associated components and consumable medical equipment;

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,



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Cc: Members of the House Committee on Environment and Natural Resources