

JARED POLIS
2ND DISTRICT, COLORADO

1433 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0602
(202) 225-2161
(202) 226-7840 (FAX)

website and email:
<http://polis.house.gov>



Congress of the United States
House of Representatives

September 14, 2015

PARLIAMENTARIAN OF THE WHIP
COMMITTEE ON
EDUCATION AND THE WORKFORCE
SUBCOMMITTEES:
EARLY CHILDHOOD, ELEMENTARY,
AND SECONDARY EDUCATION
HEALTH, EMPLOYMENT, LABOR,
AND PENSIONS
COMMITTEE ON RULES
STEERING AND POLICY

John J. Manfreda
Administrator
Alcohol and Tobacco Tax and Trade Bureau
1310 G Street, NW, Box 12
Washington, DC 20005

Dear Administrator Manfreda,

It has come to my attention that outdated laws intended to regulate the manufacture and sale of alcoholic beverages may also be hurting the industry of kombucha, a natural probiotic drink. Many kombucha producers have recently received letters from the Alcohol and Tobacco Tax and Trade Bureau (TTB) indicating they may be subject to fines if they don't register their product as an alcoholic beverage or reformulate their product. None of these options are acceptable considering the current product is not an alcohol and any change would destroy the integrity of the product.

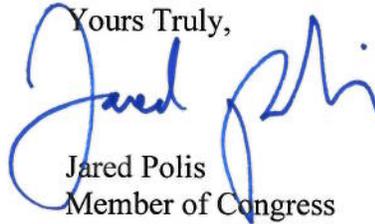
Under federal law, any beverage with over 0.5 percent alcohol-by-volume (ABV) is considered an alcoholic beverage and must be regulated and marketed as such. Kombucha is a unique product which consistently tests under the 0.5% threshold if the product is kept cold, as it is when produced and distributed. If the product is stored at higher temperatures, fermentation may or may not cause the product's ABV content to exceed the 0.5% limit, and would make the liquid undrinkable. Additionally, the current testing method often confuses organic acids and naturally occurring sedimentation for ethanol, which increases the reading of the alcohol content to a higher percentage than is actually contained in the product. Eight rotten kombuchas are roughly the equivalent of one beer, but that doesn't mean we should regulate it like we do alcohol – it makes absolutely no sense.

This current out of date testing is completed by the TTB; however, an agreement between Kombucha Brewers International – an association representing many kombucha producers across the country and around the world – and AOAC International, an unbiased nonprofit scientific association, has been developed in order to create a more precise and effective testing that will not improperly punish compliant kombucha producers. Additionally, the TTB has already signed on to be a Stakeholder (voting rights) in this process. The adoption of this test will likely not be finalized until the second half of 2016.

While this test is being developed, I ask that you provide an exemption to kombucha producers from TTB fines, demands and unnecessary punishments. The industry has recognized there is a concern with the ABV in their product, and as a result they have been working diligently to find a mutually acceptable compromise since the formation of KBI 18 months ago. We ask that you not hurt this industry and their millions of consumers while the industry is working on a solution

that is imminently forthcoming. The TTB should provide some common-sense clarity and relief for the kombucha firms in Colorado and across the country.

Thank you for your consideration in this matter. If you have any questions, please contact Blaine Miller-McFeeley on my staff at blaine.miller-mcfeeley@mail.house.gov.

Yours Truly,

Jared Polis
Member of Congress