HEALTHY BEVERAGE CHOICE ACT OF 2020: EXPLORING WASHINGTON D.C.'S PROPOSED SODA TAX

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A capstone project submitted to Johns Hopkins University in conformity with the requirements for the degree of Master of Arts in Public Management

Baltimore, Maryland May 2020

© 2020 Anthony Klaumenzer All Rights Reserved **Abstract**

Prior research has shown that the obesity rate in Washington D.C. has grown substantially over

the past forty years. Furthermore, strong correlations have been shown to exist between obesity

and diseases such as hypertension and diabetes. In Washington D.C., projections show that if left

unchecked the growth rates of these diseases will grow by an average of 40%, over the next ten

years. Additional research has also shown that that the district's lowest income resides both

consume sugary beverages at a rate much higher than the rest of the district and suffer from these

diseases at a disproportional rate.

This capstone reviews the potential impact that placing an excise tax on sugary beverages will

have on reducing consumption and generating revue in the district. It looks at case studies of

soda taxes that have been enacted in Berkeley, California, Seattle, Washington, and Philadelphia,

Pennsylvania. In doing so, it concludes that introducing a 2% tax on sugary beverages, via the

Healthy Beverage Choice Act 2020 would lower consumption. It also looks to these case studies

to show that the bill is politically feasible.

This capstone also evaluates case studies of the excise taxes that have been placed on goods such

as tobacco and alcohol, to evaluate the potential that this measure has for improving public

health outcomes. It concludes that the proposal does have the potential to have lasting, positive

impacts on public health.

Advised by: Professor Paul Weinstein and Professor Collin Paschall

ii

Table of Contents

- I. Action-Forcing event; page 1
- II. Statement of the Problem; pages 2-5
- III. History and Background; pages 5-12
- IV. Policy Proposal; pages 12-15
- V. Policy Analysis; pages 15-22
- VI. Political Analysis; pages 22-30
- VII. Recommendation; pages 30-33

List of Tables

Table 1: "Projected Growth Rates of Diabetes and Hypertension in D.C." Page 4.

List of Figures

- Figure 1: "Obesity Rates in Washington D.C. 1990-2015." Page 2.
- Figure 2: "Trends in Adult Overweight, Obesity, and Extreme Obesity Men and Women Aged 20-74: United States, 1960-1962 through 2013-2014." Page 3.
- Figure 3: "Sugary Beverage Sales in Philadelphia: January 2016- December 2017." Page 15.
- Figure 4: "Untaxed Beverage Sales: Berkeley, California 2017. Page 17.
- Figure 5: "Cigarette Prices and Cigarette Sales, United States, 1970 -2017." Page 20.
- Figure 6: "Philadelphia Voters Say Soda Tax Is A Failure." Page 23.
- Figure 7: "2019 Philadelphia Mayoral Election Results." Page 24.
- Figure 8: "Sugar-Sweetened Beverage Consumption by Income." Page 26.
- Figure 9: "Effects of a Sugar-Sweetened Beverage Tax on Individual Consumption." Page 26.

TO: Phil Mendelson, Chairman, Council of the District of Columbia

FROM: Anthony Klaumenzer

SUBJECT: Recommendation Regarding the Implementation of a new Soda Tax

DATE: April 26, 2020

I. Action-Forcing Event

During the second week of November members of the Alliance for an Affordable D.C. strategically targeted residents of Washington D.C. with door hangers that attacked the Healthy Beverage Choices Act of 2019. This bill, which was introduced by Councilwoman Nadeau, proposes that a 1.5 cent tax be placed on each ounce of sweetened drinks sold in the district. The bill seeks to address the district's growing obesity epidemic and the negative health outcomes associated with it. The Alliance for an Affordable D.C., which is funded by members of the beverage industry, warned in the door hangers that such a tax would "hurt residents and working families who are already struggling to make ends meet." The ad continued that implementing this excise tax would also hurt local businesses, particularly small businesses, which they believe will see a decline in revenue⁴

II. Statement of the Problem

In introducing this bill, Councilwoman Nadeau sought to address the growing

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¹ Austermuhle, Martin. "Another 'Soda Tax" Fight Is Looming Large In D.C." *DCist*. November 13,2019, https://dcist.com/story/19/11/13/another-soda-tax-fight-is-looming-large-in-d-c/

² Simons, Sasha-Ann. "Stop Buyin' It': D.C. Lawmakers And Activists Push To Move Soda Tax To Manufacturers." *American University Radio*, October 8, 2019, https://wamu.org/story/19/10/08/stop-buyin-it-lawmakers-and-activists-push-to-move-soda-tax-to-manufacturers/.

³ Austermuhle, Martin. "Soda Industry Kicks Off Fight Against Proposed D.C. 'Soda Tax." National Public Radio, November 13,2019, https://www.npr.org/local/305/2019/11/13/778860154/soda-industry-kicks-off-fight-against-proposed-d-c-soda-tax.

⁴ Ibid.

obesity epidemic, which currently plagues the district and the negative health outcomes that are associated with it, which disproportionately impact African American residents of the district. While more than half of the adult population of Washington D.C. is obese or overweight, the number of African American residents who can be classified as overweight is almost three in four. 5 In the 7th and 8th Wards of the district, which are heavily populated with African Americans, 72% of the adult population can be classified as overweight.6

As shown in Figure 1, the obesity epidemic has worsened over time. The data here shows that the adult obesity rate in the district has grown steadily over the last twenty years, from 14.4%, in 1990 to 22.7%, in 2018. This is a pattern that is not localized to the municipality. As figure two demonstrates, obesity rates in the Nation have tripled since the 1960s.

Obesity Rates in Washington D.C. 1990-2015 25.00% 20.00% 15.00% 10.00% 5.00% 0.00% 1985 1990 1995 2000 2005 2010 2015 2020

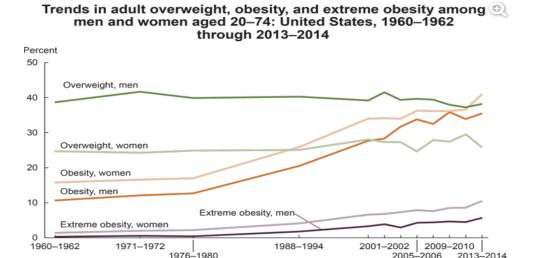
Figure 1

https://stateofchildhoodobesity.org/states/dc/

⁵ "Obesity." DC Health, The City of Washington D.C., accessed February 13, 2020, https://dchealth.dc.gov/service/obesity-overview

⁷ "The State of Obesity in Washington, D.C." The State of Childhood Obesity, accessed February 13, 2020, https://stateofchildhoodobesity.org/states/dc/

figure 2



https://www.cdc.gov/nchs/data/hestat/obesity_adult_15_16/obesity_adult_15_16.htm

The adverse health impacts of the obesity epidemic can be seen by looking directly at the district's health statistics. The rates of diseases such as diabetes and hypertension have grown along with the obesity rate. The diabetes rate in Washington D.C. has risen from 5%, in 1995, to 8.6%, in 2018, and the percentage of adults with hypertension has risen by 61%, during that same period. Recent projections have shown that by the year 2030, there will be 57,759 adults with diabetes and 135,891 with hypertension, up from 40,312 and 98,237, respectively, in 2010.8 As *Table 1* shows this will result in growth rates between 38% and 44%.

⁸ "The State of Obesity in Washington, D.C." The State of Childhood Obesity, accessed February 13, 2020, https://stateofchildhoodobesity.org/states/dc/

table 1

Projected Growth Rates of Diabetes and Hypertension in D.C.

Cases of Diabetes 2010	40,213	Hypertension cases	98,237
Projection for 2030	57,758	Projection for 2030	135,891
Growth Rate	44%	Growth Rate	38%

https://stateofchildhoodobesity.org/states/dc/

However, this epidemic has not impacted all citizens equally. The two wards of the district with the highest concentration of African American residents also have the highest rates of hypertension. The number of citizens with type 2 diabetes in Wards 7 and 8 are three to six times those in other areas of the city. The lowest rates of type 2 diabetes in the district are seen in Ward 2, where the disease impacts 3.6% of the population. However, in the Wards with the highest concentration of African Americans, Wards 7 and 8, the percentage of citizens with type 2 diabetes jumps to 13.4% and 19.7%, respectively. African Americans in the city are not just suffering from diabetes at higher rates, they are also dying from the disease at a staggering pace. The mortality rate for type 2 diabetes in Ward 8 is 32%, and in Ward 7 it is 45%. These rates are significantly higher than the 7% mortality rate seen in Ward 2. 10

⁹ "In DC, Diabetes Is Twice the National Average East of the River." *NBC 4 Washington*, June 18,2019, https://www.nbcwashington.com/news/local/diabetes-twice-national-average-east-of-river/149117/ ¹⁰ Ibid.

The district's youth are also heavily impacted by this epidemic. As of 2018, the obesity rate for children aged ten to seventeen was 14.3%, which is almost double the rate for this same age group in Utah, where childhood obesity averages around 7.9%. ¹¹ Access to healthy food options is also an issue of the utmost importance in Washington D.C., which ranks as the ninth most expensive city in the United States. ¹² In 2019, it was estimated that the average monthly food bill for a family of four in the district was \$858. In a city where the poverty rate is 18.6%, this is an expense that many families can not afford. Particularly, Washington's families of color, who have a poverty rate of 27.9%, 20 points higher than their white counterparts. ¹³ As the poverty rate has risen from 14.8% in 2014, it is unrealistic to think that this issue will be resolved anytime soon. ¹⁴

III. <u>History/Background</u>

The links between consuming sugary beverages, obesity, and negative health outcomes have been well documented. Research has shown that consuming beverages that are high in sugar and carbohydrates can result in a number of medical conditions, such as diabetes, coronary heart disease, and stroke. Furthermore, links between obesity and cancer of the breast, colon, and prostate have been demonstrated.¹⁵

¹¹ "The State of Obesity in Washington, D.C." The State of Childhood Obesity, accessed February 13, 2020, https://stateofchildhoodobesity.org/states/dc/

¹² Frohlich, Thomas, "What it Actually Costs to Live in America's Most Expensive Cities," *USA Today*, April 4, 2019, Citieshttps://www.usatoday.com/story/money/2019/04/04/what-it-actually-costs-to-live-in-americas-most-expensive-cities/37748097/

¹³ Naveed, Minahil, "Income Inequality in SC Highest in the Country," *DC Fiscal Policy Institute*, December 15, 2017, https://www.dcfpi.org/all/income-inequality-dc-highest-country/

¹⁴ Naveed, Minahil, "Income Inequality in SC Highest in the Country," *DC Fiscal Policy Institute*, December 15, 2017, https://www.dcfpi.org/all/income-inequality-dc-highest-country/

¹⁵ Abu-Abid S, Szold A, Klausner J. "Obesity and Cancer." Journal of Medicine. 2002;33(1-4):73-86.

The Federal government has taken several steps that were intended to end the obesity epidemic. The most significant steps taken recently came in 2010 when Surgeon General Regina Benjamin's first public release to the country was her "Vision for a Healthy and Fit Nation," which listed the steps that the country should take to combat the obesity epidemic. That same year, Michelle Obama kicked off her "Let's Move" campaign, which was aimed at reducing childhood obesity. ¹⁶ Also in 2010, the Affordable Care Act was passed. This bill contained provisions that provided federal funding to the states, which could be used for obesity screenings, funding for identifying strategies to combat childhood obesity, and a requirement that the states develop public awareness campaigns. ¹⁷

However, many municipalities have decided to take a more direct approach to reducing obesity. Currently, seven American cities have some variation of a soda tax. An eight American city, Cook County, Illinois, also had a tax on sugary drinks, but that tax was repealed in October 2017, eleven months after being enacted. Economists consider the model rate for a sugary beverage tax to be 1%. However, the rates applied in the cites of Philadelphia (1.5%), Seattle (1.75), and Boulder (2%) are slightly higher. 18

The first American city to instate an excise tax on sugary drink was Berkley, California, which held a referendum vote in November of 2014.¹⁹ Despite this resolution having the

¹⁶ "Federal Government Takes Bigger Role in Combating Obesity." *American Academy of Family Physicians*. May 17,2010, https://www.aafp.org/news/obesity/20100517fed-initiatives.html.

¹⁷ "Reducing Obesity." *Medicade.gov.* Retrieved on April 14, 2020, https://www.medicaid.gov/medicaid/quality-of-care/quality-improvement-initiatives/reducing-obesity/index.html.

¹⁸ Allcott, Hunt, Benjamin B. Lockwood and Dmitry Taubinsky. "Should We Tac Sugar-Sweetened Beverages! An Overview of Theory and Evidence. Journal of Economic Perspectives. 2019, 33(3). 202-227.

¹⁹ "City of Berkeley Sugary Beverages and Soda Tax Question, Measure D (November 2014)." *Ballotpedia, retrieved February 24, 2020,*

overwhelming support of every member of Berkeley's City Council and a 66% favorability rating among the cities population, the beverage industry put up a strong fight against it.²⁰ However, Measure D ultimately passed with 76.17% of the vote. ²¹

While the success that Measure D enjoyed in Berkeley in impressive, it is important to note that Berkley may not be the best city to use as a benchmark for Washington D.C., due to the difference between the sizes of the two cites economies and populations. Therefore, a better point of reference would be Philadelphia, which passed its soda tax in 2017. Like in Berkeley, the road to Philadelphia's passage of its soda tax was rocky. Although a sugary drink tax was one of the first agenda items that Mayor Jim Kenney announced after taking office in 2016, this was not the first time that the city had attempted such a measure. The previous administration had tried twice to pass a soda tax. ²² Notable among these previous attempts was the excise tax that was proposed by the administration of Michael Nutter in 2010. This measure was met by an aggressive opposition campaign, which was spearheaded by the American Beverage Association (ABA). In 2017, the Kenney Administrations' argument that a soda tax would help to combat the city's growing rates of obesity and diabetes while helping to fund a

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https://ballotpedia.org/City_of_Berkeley_Sugary_Beverages_and_Soda_Tax_Question,_Measure_D_(November_2014)

²⁰ Zigas, Eli. "Why did Berkeley pass a soda tax and not San Francisco?" *SPUR*, November 25, 2014, https://www.spur.org/news/2014-11-25/why-did-berkeley-pass-soda-tax-and-not-san-francisco

²¹ "City of Berkeley Sugary Beverages and Soda Tax Question, Measure D (November 2014)." *Ballotpedia, retrieved February 24, 2020,*

https://ballotpedia.org/City_of_Berkeley_Sugary_Beverages_and_Soda_Tax_Question,_Measure_D_(November_2014)

²² McCrystal, Laura. "A timeline of Philadelphia's soda tax." *The Philadelphia Inquirer*, April 29,2019, https://www.inquirer.com/news/timeline-philadelphias-soda-tax-20190429.html

city-wide Pre-K program and a revitalization of the city's parks won out, and the bill passed with a final vote of 13-4.²³

Attempts to institute soda taxes in cities like San Francisco and Cook County, Illinois have proven less successful than the ones in Berkeley and Philadelphia. The repeal of Cook County's tax came after months of public outcry calling for its elimination. The residents of Cook County overwhelmingly opposed the tax and felt that it was an attempt by the city to generate revenue, not to benefit public health. In a 2017 poll, 87% of the residents of Cook County opposed the tax, and 87% of respondents said that the city had instituted it purely for financial gain. ²⁵

San Francisco's failed 2014 soda tax had attempted to preemptively address some of the concerns that the citizens of Cook County voiced. The bill was designed so that the revenue generated would go directly into programs designed to promote public health. Furthermore, this revenue would be directed to the areas of the city most impacted by diet-related diseases. ²⁶ Despite these efforts, the anti-tax campaign that the ABA mounted proved successful. The ABA spent \$9.1 million on their "vote no" campaign. In addition to being outspent, the proponents of San Francisco's soda tax lacked any

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²³ Ibid.

²⁴ La Vito, Angelica. "Sugary drink sales in Philadelphia fall 38% after city adopted soda tax, study finds. *CNBC*, May 15, 2019, https://www.cnbc.com/2019/05/14/sugary-drink-sales-fall-38percent-after-philadelphia-levied-soda-tax-study.html.

²⁵ Lentino, Chris. "With the repeal of the Cook County sweetened beverage tax, taxpayers remind elected officials who they represent." *Illinois Policy*, October 11, 2017, https://www.illinoispolicy.org/taxpayer-victory-cook-county-soda-tax-repealed/.

²⁶ Zigas, Eli. "Why Did Berkeley Pass a Soda Tax and Not San Francisco?" SPUR, November 25, 2014,

strong or unified political support.²⁷ Ultimately, it was the combination of these two factors that led to the measure's failure.

However, in 2016 San Francisco was able to pass a tax on sugary drinks. This measure, Proposition V, was put up for a referendum vote and passed with 62% of the vote. There where two key differences that lead to this success. First, there were many more public supporters of the measure. Groups such as the NAACP and the San Francisco Medical Society, as well as politicians such as Mayor Malia Cohen, signed on to officially support the measure. They argued that sugary drink makers were profiting at the expense of the health of the city's children. The group also pointed to the success that Berkley's soda tax had had in lowering the consumption as part of their argument.²⁸

Washington D.C. has had an inadvertent tax on sugary beverages in effect for some time. The district's current sales tax of 6% went into effect on October 1, 2013. The sales tax is applied to all soda sales and any drink that contains artificial sweeteners and less than 100% juice or 50% milk. ²⁹ A portion of this revenue goes toward funding the district's Healthy Schools Initiative, which aims to provide healthy school lunches and more physical education for the district's students. ³⁰

²⁷ Ibid.

²⁸ "San Francisco, California, Soda and Sugary Beverages Tax, Proposition V (November 2016)." Ballotpedia, retrieved February 26, 2020,

https://ballotpedia.org/San_Francisco,_California,_Soda_and_Sugary_Beverages_Tax,_Proposition_V_(No vember 2016)

²⁹ "Washington, D.C. sales tax." Avalara, Retrieved February 26, 2020,

https://www.avalara.com/taxrates/en/state-rates/washington-dc.html.

³⁰ Bruske, Ed. "DC rejects soda tax but funds better school food." *Grist*, May 17,2010, https://grist.org/article/d-c-dumps-soda-tax-but-fully-funds-healthy-schools/.

As the City Council negotiated funding the Healthy School's Initiative, a bill was introduced by Council Member Mary Cheh, which would have instituted a one-cent tax on each ounce of sugary beverages sold in the district. The anticipated revenue from this measure would have been used to support the Healthy Schools Initiative.³¹ However, this bill was defeated after the beverage industry mounted a campaign against it, in which they claimed that such a tax would disproportionately impact the district's poorest residents and force small businesses to close. 32

On October 1, 2019, a 2% tax on soda and sugary drinks was instituted in Washington D.C. However, this tax was introduced via a different policy implementation tool than the ones that have previously been discussed. The current 2% tax was added into the district's 2020 budget by Councilmember Cheh. 33 This tax is also different from others in that the tax is levied directly on the beverage manufacturer after the sale has been completed, not as a direct excise tax on the consumer. Cheh said that initiating the tax in this way was "easier to fight and win," than a bill calling for an excise tax would have been.34

The Council's decision to implement an indirect tax on sugary drinks via the 2020 budget has received criticism from several sources. City Council Chair Pro Tempore Kenyan McDuffie said that the lack of transparency did not allow the people it would

³¹ Liu, Jamie, R. "D.C. Council to Consider Soda Tax." DCIST, April 29, 2010,

https://dcist.com/story/10/04/29/cheh-proposes-soda-tax/.

³² Bruske (2010).

³³ Austermuhle, Martin. "Soda Tax Goes Into Effect In D.C." DCIST, October 2, 2019, https://dcist.com/story/19/10/02/soda-tax-increase-goes-into-effect-in-d-c/ 34 Ibid.

impact the most, the district's poorest residents, to have a say. Additionally, the ABA has expressed the same concerns with this measure that they have with other, similar ones across the Nation, stating that the measure won't force people to make healthier decisions and that it will hurt local businesses and consumers. The current tax is expected to generate \$3.2 million in revenue, which will then be used to supplement the costs of providing nutritious breakfasts for the district's school students and to support a program that will provide \$20 food vouchers to low-income citizens. These vouchers would then be used to purchase fruits and vegetables, at local grocery stores.

In the Fall of 2019, Councilmember Nadeau introduced the Healthy Beverage

Choices Act of 2019, which would remove the indirect soda tax of 2% and replace it with

a 1.5% excise tax on consumers. Like Councilmember Cheh's 2% tax, the revenue from
this measure would then be used to fund fruit and vegetable vouchers and a healthy
breakfast program, for the district's schools. Thowever, because Councilmember

Nadeau's Healthy Beverage Choices Act will need to be voted on by the City Council it
has gained much more opposition from the ABA than the tax that was instituted via the
2020 budget.

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³⁵ Ihid

³⁶ Cole, Gail. "DC increases sales tax on soft drinks, exempts tampons and diapers, and more." Avalara, July 29, 2019, https://www.avalara.com/us/en/blog/2019/07/dc-exempt-diapers-and-tampons-but-increases-tax-on-soda.html.

³⁷ Austermuhle, Martin. "Another 'Soda Tax" Fight Is Looming Large In D.C." *DCist*. November 13,2019, https://dcist.com/story/19/11/13/another-soda-tax-fight-is-looming-large-in-d-c/.

IV. Policy Proposal

The goal of the proposed Healthy Beverage Choices Act of 2020 (HBCA20) is to reduce the consumption of sugary beverages in Washington, D.C. 30%, by January of 2022. This will be achieved through a 2% excise tax placed directly on consumers of sugary drinks. This measure is an extension of the Healthy Beverage Choices Act of 2019, which was proposed by Councilmember Nadeau last year. The updated proposal increases the tax from 1.5% to 2%, which elevates it to the same amount as the indirect tax that is part of the 2020 budget.³⁸ The policy implementation tool that will be used to enact the Healthy Beverage Choices Act of 2020 will be a bill that will need to be voted on by the City Council. As chairman of the Council, you have the unique advantage of being able to directly assign this bill to the committee.³⁹

All soft drinks, including diet beverages, will be taxed under this measure. The tax will also apply to all juices that are not made from 100% fruit juice and any milk-based beverage, which contains sweeteners or artificial flavoring. Additionally, all drink mixes and syrups that contain sugar or artificial sweeteners will be subject to the tax. Drink mixes and syrups will be taxed based on the total ounces of the beverage that they produce, not the net weight of the mixer or syrup. To be exempt from the tax are baby formula, both the ready to drink and powder variations, and oral electrolyte solutions, such as *Pedialyte*. The penalty for noncompliance with this law will be a \$10,000 fine, imposed directly on the retailer, and the revocation of said retailers'

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³⁹ "How a Bill Becomes a Law." *Council of the District of Columbia*. Retrieved April, 17,2020, https://dccouncil.us/how-a-bill-becomes-a-law/.

commercial license. Additionally, retailers will be required to list the full price, including tax, on the price tags of these items.

Revenue goals: The target revenue goal for the first year of the Healthy Beverage Choices Act of 2020 is \$20 million, which is in line with the revenue that cities such as Seattle and Philadelphia have seen. Of this \$20 million, \$8.6 million will be allotted to funding the alternative breakfast program that exists as part of the Healthy Schools Act of 2010. This influx of revenue will increase the per-student spending from \$2 a day to \$3 a day. Of this \$8.6 million, \$40,000 will be earmarked for purchasing a water bottle for each of the district's 48,144 school students, to encourage them to drink water, instead of sugary drinks.

Additionally, \$11,100,000 will be allotted to a voucher program that will give each of our 111,000 residents who live at or below the federal poverty limit. This will be done by giving them ten \$10 vouchers each. These vouchers will then be utilized to buy fresh fruit and vegetables at the district's food retailers. The remaining \$300,000 will be held by the city, to cover the overhead costs associated with managing the program and printing the vouchers.

<u>Public health goals:</u> Reducing the district's consumption of sugary drinks 30%, will have a direct, inverse impact on the number of citizens in the district who are overweight and obese. Furthermore, reducing consumption will ultimately lead to fewer cases of diabetes, hypertension, heart disease, and tooth decay. The tax will have a

⁴⁰ "Healthy Schools Act." The Office of the State Superintendent of Education. Retrieved March 4, 2020, https://osse.dc.gov/service/healthy-schools-act.

⁴¹ "DCPS at a Glance: Enrollment." *District of Columbia Public Schools.* Retrieved March 4, 2020, https://dcps.dc.gov/page/dcps-glance-enrollment.

direct impact on the moral hazard costs associated with a diet that is high in sugar.

Specifically, the HBCA 2020 will lower the district's annual health care expenses.

Policy Analysis:

The primary goal of the Healthy Beverage Choices Act of 2020 is to combat the district's obesity epidemic, by reducing consumption of sugary beverages by 30%. This will be achieved through the implantation of a 2% per ounce tax on drinks that contain added sugars. The best resources available to judge the effectiveness of this proposal are the results that can be ascertained through case studies of the impact that similar pieces of legislation have had in other large cities.

Reducing Consumption:

In Philadelphia, which implemented its soda tax in 2017, there has been a 38% drop in the consumption of sugary beverages. ⁴² A 2019 study compared the sales records of sugary beverages in three hundred Philadelphia retail locations against those in comparable cities, which did not have a soda tax. This study determined that the sales of sweetened drinks fell 51% after the city implemented its soda tax. However, after accounting for leakage in the form of a spike in the sales of sweetened beverages in the areas adjacent to the City, this study determined that a significant portion of the reduction was being made up for by Philadelphians going outside of the city, to purchase sweetened drinks. Ultimately, this study showed that once cross-border

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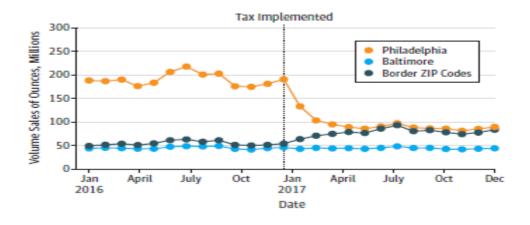
⁴² Robertor, Christina A., Hannah G. Lawman, Nandita Mitra et al. " Association of a Beverage Tax on Sugar-Sweetened and Artificially Sweetened Beverages With Changes in Behavior Prices and Sales at Chain Retailers in a Large Urban Setting." Journal of American Medicine. 2019, 321(18).

purchases were accounted for, the net drop in sweetened drink purchases was 38%.⁴³

This number represents a decrease of one million ounces of sweetened beverages per year or eighty-three million fewer cans of soda.⁴⁴ Furthermore, as figure 4 shows below, the sale of sweetened beverages dropped by one hundred million ounces in the first two months after the implementation of Philadelphia's tax.

Figure 3

Sugary Beverage Sales in Philadelphia: January 2016 – December 2017



https://www.ncbi.nlm.nih.gov/pubmed/31087022

A second, 2018, study reaffirmed the first and showed that after the implementation of its tax, consumption of sweetened drinks in Philadelphia fell by a net of 40%.

Furthermore, this report demonstrates that Philadelphians are now 58% more likely to drink water. This study determined that Philadelphia's tax has resulted in a 22%

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⁴³ Ibid.

⁴⁴ Roberto, Christina. "Sweetened Beverage Taxes: A Policy That Works." *The Center for Health Incentives and Behavioral Economics at the University of Pennsylvania*. November 27, 2019, https://chibe.upenn.edu/chibeblog/sweetened-beverage-taxes-a-policy-that-works/

reduction of sugar intake among children in the City, with African American children consuming eight grams less of sugar less per day.⁴⁵

In Seattle, where a \$1.75 sin tax has been placed on distributors of sugary beverages since January of 2018, the City has also seen a significant drop in consumption. Research on Seattle's soda tax, which also equated for leakage, found that it has lowered consumption by 30.5%. 46

As Berkeley was the first U.S. city to institute a soda tax several longitudinal studies detail its results. This research shows that the consumption of sugary beverages fell by 21%, in the first few months after the tax was imposed and continued to decrease. By 2018 consumption had decreased twofold, and even more significant decreases where seen in the city's low-income neighborhoods, where consumption has fallen by 52%.⁴⁷

Additional research has shown that Berkeley has also seen an increase in the sale of healthy drink alternatives. As figure 5 shows below, water sales rose 15.6% in Berkeley, while water sales outside of the city fell 4.4%, after the tax was imposed.⁴⁸ Additionally, sales of sugary beverages in the communities that surround Berkley saw a 6.9% increase

⁴⁵ Brey, Jared. "Early Results of Philly Soda Tax Show Mixed Impact on Buying Habits." *Next City*. September 20, 2018, https://nextcity.org/daily/entry/early-results-on-philly-soda-tax-show-mixed-impact-on-buying-habits

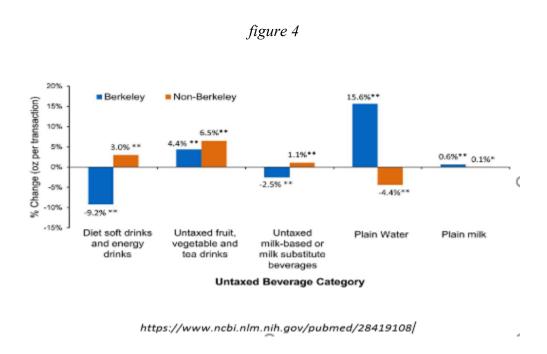
⁴⁶ "Study: Seattle sugary beverage tax led to 30.5% drop in sales." *My Northwest.* February 19, 2020, https://mynorthwest.com/1726038/seattle-sugary-beverage-tax-soda-sales/

⁴⁷ "City of Berkeley Sugary Beverages and Soda Tax Question, Measure D (November 2014)." *Ballotpedia, retrieved February 24, 2020,*

https://ballotpedia.org/City_of_Berkeley_Sugary_Beverages_and_Soda_Tax_Question,_Measure_D_(November_201 4)

⁴⁸ Silver, Lynn D. Shu Wen Ng, Suzanne Ryan-Ibarra, Linsey Smith Taillie, et al. "Changes in prices, sales, consumer spending, and beverage consumption one year after a tax on sugar-sweetened beverages in Berkeley, California, US: A before-and-after study. *PLOS Medicine*. 2017, 14(4).

during this period, which suggests leakage.⁴⁹ This data demonstrates that while many citizens chose to purchase healthier beverage options, such as water, others went outside the city lines, to acquire their sugary drinks.



This information is vital because opponents of soda taxes have often argued that citizens simply switch to purchasing other unhealthy, sugary snacks, in response to the tax and that they simply continue to consume the same about of sugary drinks but simply buy them from neighboring jurisdictions.

⁴⁹ Boseley, Sarah. "First US sugar tax sees soft drink sales fall by almost 10%, study shows." *The Guardian*, April 18, 2017, https://www.theguardian.com/society/2017/apr/18/first-us-sugar-tax-sees-soft-drink-sales-fall-by-almost-10-study-shows

17

Public Health Goals:

Perhaps the biggest obstacle to overcome in determining whether to implement a soda tax is the fact that there have not been any studies of longer than five years that evaluate its ability to reduce consumption overtime or that evaluate the impact that such taxes have on public health outcomes. Furthermore, there is a lack of clear evidence that the existing soda taxes in other cities have lowered hypertension or diabetes rates. ⁵⁰ Leading researchers in the field suggest that we are still five to ten years away from a conclusive study, noting that changes to these numbers will take time to show in the statistics. ⁵¹ Thus, opponents of the measure will suggest that excise taxes do not have the desired impacts on public health outcomes. Therefore, we must look at other excise taxes, to determine the impact that they have had on public health outcomes.

A 2012 metadata analysis of current excise taxes that are placed on alcoholic beverages showed that a \$.25 per drink tax will lower consumption by 9.2%. Furthermore, this analysis shows that alcohol taxes reduce consumption in heavy drinkers by 11.4% ⁵² Alcohol taxes have a significant impact on the negative externalities associated with drinking. It has been demonstrated that they lower alcohol-related

⁵⁰ Brandon, Adam, "Why Soda Taxes Don't Work." The Washington Times, June 21, 2018, https://www.washingtontimes.com/news/2018/jun/21/why-soda-taxes-dont-work/

⁵¹ Roberto, Christina. E-mail correspondence with author, March 10, 2020.

⁵² Naimi, T.S., Daley, J.I., Xuan, Z., et al. "Who Would Pay for State Alcohol Tac Increases in the Unites States?" The American Journal of Preventive Medicine. 2013, 42(4).

mortality rates by 35%, traffic accidents by 11%, and decrease the overall crime rates by 1.4%. 53

Studies of the existing excise taxes that have been placed on tobacco have also shown that these tools are effective in lowering smoking rates and that they have positive health outcomes. As figure 6 shows below, there was a significant decline in cigarette purchases in response to the excise taxes placed on them, in the late 1990s. Additional research has shown that for every tax 10% tax that is added, smoking decreases by 4%. Furthermore, the most significant reductions are seen in youth and low-income smokers, who are more responsive to the tax. ⁵⁴ This decrease in consumption has led to longterm positive health outcomes, such as reductions in the number of citizens suffering from cancer, Chronic Obstructive Pulmonary Disease, and strokes. Furthermore, research has shown that tobacco taxes in Kentucky alone are estimated to save 401 lives per year. ⁵⁵

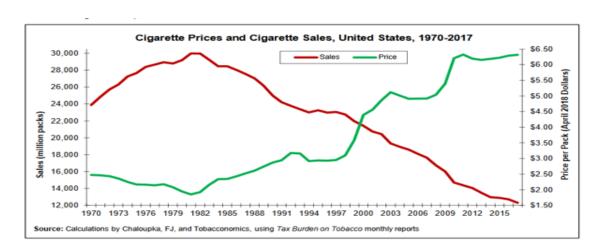
⁵³ Ibid.

⁵⁴ BDER, Pearl, Davis Boisclair and Robertta Ferrence. "Effects of Tobacco Taxation and Pricing on Smoking Behavior in High Risk Populations: A Knowledge Synthesis." *International Journal of Environmental Research and Public Health*. 2011, 8(11).

^{55 &}quot;Health and Economic Impact of Tobacco Taxation." IARC Handbooks of Cancer Prevention,

 $https://webcache.googleusercontent.com/search?q=cache:M8Wmedj8idUJ:https://publications.iarc.fr/_publications/media/download/4028/7fa59ae33d3040521ea97557a0a3d978d7fadc7a.pdf+&cd=18\&hl=en&ct=clnk&gl=us&client=firefox-b-1-ended-firefox-b-1-ended$

figure 5



https://www.tobaccofreekids.org/assets/factsheets/0146.pdf

Revenue Generation:

One of the biggest challenges presented against soda taxes has been that they do not generate the amount of revenue that is promised. For example, Philadelphia's first-year revenue generation was 15% less than the city's projections. Therefore, we must utilize the available data to determine a reasonable revenue goal. In 2018 Seattle netted \$22.3 million in revenue and Philadelphia netted \$76.97 million. These figures can be used to predict Washington D.C.'s potential revenue. This can be done via the formula below, which calculates revenue per person, per \$0.0025 tax imposed, noted as *tax*. Therefore,

⁵⁶ Sundell, Allison. "\$5.7 million in Seattle soda tax money went to general fund." King 5 news. June 13, 2020, https://www.king5.com/article/news/politics/57-million-in-seattle-soda-tax-money-went-to-general-fund/281-319bbb68-5afd-440e-ad6a-1b9aac63e266?gclid=EAIaIQobChMIvb_djcGB6AIVF-DICh0z8AywEAAYASAAEgIzqPD_BwE.

since Philadelphia imposes a tax of 1.5%, their *tax* is equivalent to 6, or 6 instances of \$0.0025

formula 1

Revenue Per Person/ Per tax = Population \div Total Revenue \div Tax

Seattle Revenue Per Person/ Per tax (2018) : 724,745 \div 22,300,000 \div 7 = .0046

Philadelphia Revenue Per Person/ Per tax (2018) : 1,580,000 \div 76,970,000 \div 6 = .0034

Therefore, Washington D.C. should err on the side of caution and project no more than \$.0034, in revenue, per .0025% tax/per person. This figure is equivalent to 15% less than the average of Seattle and Philadelphia's revenue, which is .004, per .0025% tax/per person. With a population of 633,427 and a tax of 2%, this would equate to \$20,269,664.

Political Analysis:

One of the core reason's for introducing the HBCA 2020 is to ensure that if there is a soda tax enacted in Washington D.C., it is instituted transparently, unlike when Councilmember Cheh added the existing tax into the 2020 budget. Transparency should be a goal of any democratically elected body. Furthermore, research has shown that public debates on excise taxes alone can generate a reduction in the consumption of the

undesired behavior. For example, in Berkeley, there was an 8.5% drop in consumption as of result of the public debates that led up the eventual vote on the measure.⁵⁷

In politics, it is prudent to know where public opinion stands on an issue before introducing a bill. On the National level, 42% of Americans support a soda tax.⁵⁸ This number is disheartening, but as it is an aggregate of the Nation, it does not account for the zeitgeist of the municipality. As demonstrated above public opinion can be much higher in individual cities. For example, Berkeley's soda tax has a 66% approval rating. ⁵⁹ In Seattle, 58% of respondents view soda taxes favorably. While there was a divide on the measure according to income level in Seattle, with 51% of low-income respondents favoring it and 62% of high-income earners supporting it, the measure did have majority approval. Additionally, 79% of residents said that they did not think that the tax would negatively impact them, and a majority, 53% did not believe that it would hurt small businesses. ⁶⁰ Seattle's City Council ultimately passed the bill, by a vote of 7-1.⁶¹

Before Philadelphia's institution of a soda tax, favorability in the City was above the national average at 47%. However, as figure seven shows, just two years after the city initiated the tax, public opinion had fallen drastically. As of 2019, Only 26% of Philadelphian's considered the tax to be either a success or a complete success.

⁵⁷ Boseley, Sarah. "First US sugar tax sees soft drink sales fall by almost 105, study shows. *The Guardian*. April 18, 2017, https://www.theguardian.com/society/2017/apr/18/first-us-sugar-tax-sees-soft-drink-sales-fall-by-almost-10-study-shows ⁵⁸ Eykelenboom, Michelle, van Stralen, M.M., Olthof, M.R. *et al.* "Political and public acceptability of a sugar-sweetened beverages tax: a mixed-method systematic review and meta-analysis." *International Journal of Behavioral Nutrition and Physical Activity*, *2019*, 16(78), https://doi.org/10.1186/s12966-019-0843-0

⁵⁹ Zigas, Eli. "Why did Berkeley pass a soda tax and not San Francisco?" *SPUR*, November 25, 2014, https://www.spur.org/news/2014-11-25/why-did-berkeley-pass-soda-tax-and-not-san-francisco ⁶⁰ Ibid

⁶¹ https://www.seattletimes.com/seattle-news/politics/seattle-city-council-says-yes-to-soda-tax/

Alternatively, 62% of Philadelphians say that they would classify the tax as either a failure or a complete failure. As in Seattle, the highest rates of disapproval in Philadelphia are also seen in those with the lowest incomes. ⁶²

figure 6

Philadelphia Voters Say Soda Tax is A Failure

Nearly two-thirds of registered voters say Mayor Jim Kenney's signature achievement, the 1.5 centper-ounce tax on sweetened beverages, is a failure. Neighborhood support is highest in Center City and lowest in Northeast Philly.



Chart: Jonathan Lai • Source: Inquirer Poll by SurveyUSA

https://www.inquirer.com/news/primary-election-2019-philadelphia-

Despite public skepticism of the measure, Philadelphia passed its soda tax with a final vote of 13-4.⁶³ Furthermore, despite favorability of the measure falling by 20 percentage points, since it was first past, Mayor Kenney and the members of Philadelphia's City Council who voted in favor of the measure have all been successful in their reelection bids. Of the thirteen members of Philadelphia's City Council who ran for reelection after

⁶² Lai, Jonathan, Claudia Varga and Julia Terruso. "Inquirer Poll: What Philly voters think of Mayor Jim Kenney, crime, and the soda tax. *The Philadelphia Inquirer*. April 29, 2019, https://www.inquirer.com/news/primary-election-2019-philadelphia-voter-poll-survey-issues-20190429.html.

⁶³ Dent, Mark and Anna Olsen. "How every city council member voted on the soda tax, and why." *Billy Penn.* June 17,2016, https://billypenn.com/2016/06/17/how-every-city-council-member-voted-on-the-soda-tax-and-why/

the bill was passed, the only one who was unsuccessful was Councilman Al Taubenberger, who voted against the soda tax. ⁶⁴ Mayor Kenney was also successful in his 2019 reelection bid, where he netted over 80% of the popular vote. ⁶⁵

figure 7

2019 Philadelphia Mayoral Election Results

MAYOR			
Candidate	Party	Votes	%
KENNEY, JIM ✓	DEMOCRATIC	213390	80.03%
CIANCAGLINI, BILLY	REPUBLICAN	52537	19.70%
Write-in		724	0.27%

https://whyy.org/articles/2019-pennsylvania-general-election-results/

The fact that Philadelphia's tax was presented as a means for revenue generation, not as a public health initiative has greatly contributed to the public's view of the measure. The city had said that the measure would fund education programs, but it has failed to do so at the promised levels. ⁶⁶ Therefore, we must ensure the residents of the district that our goal is to have a positive impact on public health. As the revenue that

o4 Ibid

⁶⁴ Ihid

^{65 &}quot;2019 Pennsylvania general election results." WHYY. November 5, 2019, https://whyy.org/articles/2019-pennsylvania-general-election-results/

⁶⁶ Shupert, Courtney and Scott Drenkard. "Soda Tax Experiment Failing in Philadelphia Amid Consumer Angst And Revenue Shortfalls." The Tax Foundation. August 3, 2017, https://taxfoundation.org/philadelphia-soda-tax-failing/.

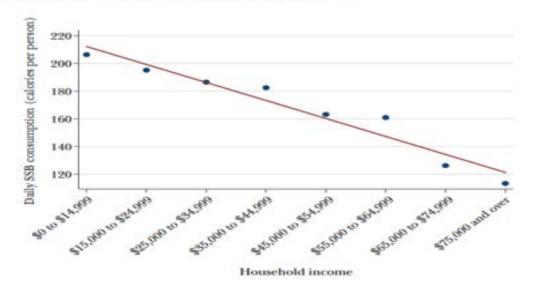
we anticipate generating from this measure will be directed right back into programs that benefit public health, this should be easy for us to demonstrate and by following the projections above, we will be able to ensure that we do not promise more than we can deliver.

Economic Challenges:

One of the biggest challenges to the feasibility of passing the HBCA 2020 is the fact that the tax has the potential to be regressive. Soda tax Opponents tend to point to the fact that low-income earner's consumption of sugary far exceeds that of high-income earners, as seen in figure 9 below. This means that the district's low-income residents will pay more in taxes than high-income earners. Additionally, the added expense will account for a larger portion of their income than it would for someone who earns more. Section A of *figure 10* shows, the additional burden of cost that our citizens will face if this bill is passed. While there is no denying the fact that the poorest residents of the district will be hardest hit by the tax, it is also true that if the proposed tax is successful in reducing consumption, the way that it has been in other large cities, the decrease in demand will result in a smaller tax burden. Furthermore, segment B of *figure 10* shows the added social benefit of the measure. This is the expected public health savings that can be anticipated reduction from the reduction in consumption.

figure 8

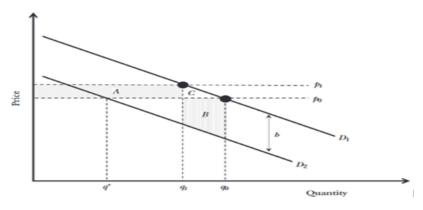
Sugar-Sweetened Beverage Consumption by Income



https://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.33.3.202

figure 9

Effect of a Sugar-Sweetened Beverage Tax on Individual Consumption



https://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.33.3.202

Opponents will also allege that the tax will hurt business in the district.

Specifically, they will claim that the measure will result in a drop in sales large enough to force small businesses to shut down. This, of course, would cost the district jobs and severely impact the lives of our citizens. One of the major advocates of this theory is Jim Brown, who owns a handful of grocery stores in Philadelphia. Mr. Brown alleges that the city's soda tax resulted in a significant enough drop in revenue at his West Philadelphia store, that he was forced to close the store. From However, research is Berkeley has shown that despite the drop in the sale of sugary drinks, small businesses did not see a drop in overall sales and that the average grocery bill did not change as a result of the tax. This analysis of grocery bills before and after the tax went into effect found that customers simply purchased other beverages and snack foods.

The American Beverage Association:

The biggest obstacle that will stand in the way of passing HBCA 2020 will be the push back from the American Beverage Administration, which we can expect to lobby hard against it, as they have done in all other cities. In Berkeley, they spent \$1.4 million campaigning against the proposed tax. They ran ads throughout the city which claimed that "A soda tax doesn't DECREASE obesity. It INCREASES our grocery bills." 69 Despite

⁶⁷ Knob, Dan. "We Lost A Lot Of Customers': ShopRite Closes Its Doors After Nearly 30 Years Due To Philadelphia Beverage Tax, Owner Says. *CBS Philly*. March 14, 2019,

https://philadelphia.cbslocal.com/2019/03/14/shoprite-in-overbrook-closing-its-doors-due-to-beverage-tax-owner-says/

⁶⁸ Silver, Lynn D. Shu Wen Ng, Suzanne Ryan-Ibarra, Linsey Smith Taillie, et al. "Changes in prices, sales, consumer spending, and beverage consumption one year after a tax on sugar-sweetened beverages in Berkeley, California, US: A before-and-after study. *PLOS Medicine*. 2017, 14(4).

⁶⁹ Lappe, Anna. "Big Soda IS Outspending Its Opposition 10-to-1 to Fight a Soda Tax in Berkeley." *The National*, October 14,2014, https://www.thenation.com/article/archive/big-soda-outspending-its-opposition-10-1-fight-soda-tax-berkeley.

being outspent ten-fold, proponents of the tax, such as City Council Member Darryl Moore and Vicki Alexander of the Berkeley Healthy Child Coalition, were successful in getting Measure D passed. They did this by pointing out the links between consuming sugary drinks and chronic health conditions, such as obesity. Additionally, they pointed out the fact that African Americans in the city were suffering from diseases such as diabetes at disproportionate rates. Ultimately, Measure D passed with 76.17% of the vote. ⁷⁰

The ABA is fully capable of pumping millions of dollars into an opposition campaign. In San Francisco they spend over \$9 million, to stop the city's proposed tax. ⁷¹ However, it was the fight they put up in Philadelphia that shows the extent of their capabilities. During the 2010 election cycle, Big Soda contributed \$95,000 to candidates running for Philadelphia City Council, who opposed the measure, in hopes of preventing the measure from passing. Additionally, the ABA pledged to donate \$10 million to the Children's Hospital of Philadelphia, in exchange for their refraining from publicly coming out in support of the bill. ⁷² In the lead up to the 2016 vote, the ABA continued to fight against the measure by conducting a massive media campaign and warning that the city had no idea what it was doing. The ABA went as far as to tap Philadelphia philanthropist

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⁷⁰ "City of Berkeley Sugary Beverages and Soda Tax Question, Measure D (November 2014)." *Ballotpedia, retrieved February 24, 2020,*

https://ballotpedia.org/City_of_Berkeley_Sugary_Beverages_and_Soda_Tax_Question,_Measure_D_(November_2014)

⁷¹ Zigas, Eli. "Why Did Berkeley Pass a Soda Tax and Not San Francisco?" *SPUR*, November 25, 2014, ⁷² Lappe, Anna. "Big Soda IS Outspending Its Opposition 10-to-1 to Fight a Soda Tax in Berkeley." *The National*, October 14,2014, https://www.thenation.com/article/archive/big-soda-outspending-its-opposition-10-1-fight-soda-tax-berkeley.

Harold Hanickman, who was an executive with the organization, to directly lobby Mayor Kenney. 73

Philadelphia was able to overcome the ABA's efforts due to the commitment that the members of its city council had to the measure. In Washington, six of the twelve Councilmembers have previously expressed their willingness to cosponsor Councilwoman Nadeau's original bill, as did you. This list included Councilmembers Cheh, White, Todd, Allen, Silverman, and Grosso. Thus, should you chose to introduce this measure, you can expect the support of these councilmembers and that of councilwomen Nadeau, thus assuring you that eight of the twelve councilmembers will vote for the measure.

Recommendation:

Passing the HBCA 2020 will not be done without opposition from the American Beverage Association and members of the community. However, I am recommending that you sponsor this bill and bring it to committee as soon as possible. As I have shown, the obesity rates in the district have grown substantially since the 1990s. If we do not act quickly, and the district stays on its current trajectory, we will see the number of citizens who suffer from diabetes and hypertension grow by 44% and 38%, respectively, with the largest increases occurring among our residents with the lowest

⁷³ McCrystal, Laura. "A timeline of Philadelphia's soda tax." *The Philadelphia Inquirer*, April 29,2019, https://www.inquirer.com/news/timeline-philadelphias-soda-tax-20190429.html.

⁷⁴ https://www.washingtoncitypaper.com/food/article/21090931/majority-of-dc-council-supports-new-legislation-creating-excise-tax-on-soda-and-sugary-drinks.

incomes.⁷⁵ While the scientific evidence does not yet exist to show a direct link between excise taxes that are placed on sugary beverages and the health outcomes we strive for, the research presented here regarding excise taxes that have been levied on tobacco and alcohol does show that similar pieces of legislation have lowered consumption, had positive public health outcomes, and ultimately saved lives.

The case studies presented above, which detail the results that comparable cites have seen in reducing consumption, show that if Washington D.C. does enact a tax on sugary beverages, we should expect to see, at minimum, a drop in consumption of 30%. This number is comparable to the reduction in consumption that Philadelphia (38%) and Seattle (30.5%) have seen. Since we know that sugary beverages are one of the leading contributors to obesity, it is safe to infer that reducing consumption by 30% will have a substantial impact on the health of our citizens.

As I previously noted, the two most common issues that opponents of sugary beverage taxes refer to are the potential that they will be regressive and the potential that they will hurt local businesses. Here, it is important to note that the goal of any excise tax is to change behavior. Since the portion of our population who are most likely to consume sugary beverages are our lowest earners, we must be willing to acknowledge the fact that one of the goals of this initiative is to raise the price of these beverages to the point where these citizens shy away from purchasing them. This bill will go one step further, by using the revenue that it generates to support school lunch

⁷⁵ "The State of Obesity in Washington, D.C." The State of Childhood Obesity, accessed February 13, 2020, https://stateofchildhoodobesity.org/states/dc/

programs and food vouchers, which will help these citizens improve their diets. The research presented above also shows that the sale of sugary beverages will drop substantially in response to the measure and some citizens will cross the district's boarders to purchase sugary drinks at lower prices. However, the average grocery bill should not be expected to change. The research has shown that what is happening in other cities is that citizens are making substitute purchases of healthier items, as is the case in Berkeley, where water sales have risen 15% since the city instituted its soda tax. ⁷⁶ Therefore, you should not be concerned that enacting the tax will impact the district's retailers.

As we have seen in Philadelphia, Berkeley, and Seattle, it can be assumed that the American Beverage Association will put up a strong fight against this measure. This was one of the primary reasons that Councilmember Cheh initially chose to institute the current, indirect tax as part of the 2020 budget, instead of doing so by drafting legislation. In doing so, she was able to circumvent a public debate and any potential pushback from the ABA. However, as the case studies in these cities have shown, even after such a campaign, it is possible that the public will view the proposal favorably. The examples of Philadelphia and Seattle have also shown that passing a soda tax has not had any negative impacts on the relection campaigns of the elected officials who voted in favor of them. And, with a majority of the Council's having previously expressed their willingness to support a similar measure, you should have no difficulty in passing this

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⁷⁶ Silver, Lynn D. Shu Wen Ng, Suzanne Ryan-Ibarra, Linsey Smith Taillie, et al. "Changes in prices, sales, consumer spending, and beverage consumption one year after a tax on sugar-sweetened beverages in Berkeley, California, US: A before-and-after study. *PLOS Medicine*. 2017, 14(4).

piece of legislation. Perhaps most importantly, we know that having this debate in a transparent, public fashion alone will help to educate our citizens on the dangers of consuming beverages that are high in sugar, which alone will lower consumption.

Curriculum Vitae

Anthony Klaumenzer was born on December 9, 1981, in Philadelphia, Pennsylvania. He graduated from Roman Catholic High School in 1999. Anthony graduated Cum Laude from Harvard University's Extension School in 2018, with a concentration in Government. During his time at Harvard, Anthony served as the Online and Digital Learning Fellow for the Division of Continuing Education. In this role, Anthony proofread course materials and course websites for facility members and worked to develop interactive delivery methods for online courses and active learning weekends.

Anthony completed his graduate studies at Johns Hopkins University between 2018 and 2020, where he enrolled in the Master of Arts in Public Management program. In addition to his required coursework, which covered topics such as Public Policy, Quantitative Methods, and Economics, Anthony studied Leadership, Campaign Management, Data-Driven Campaign Management, Speechwriting, and Public Opinion.