

Testimony of David A. Culver

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U.S. Senate Committee on Commerce, Science, and Transportation

“Fighting Drunk Driving: Lessons Learned in New Mexico”

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Senator Udall and Members of the Committee, my name is David Culver and I am Vice President of Government Affairs for the Distilled Spirits Council of the United States (DISCUS). DISCUS is a national trade association representing America's leading distillers that produce or market nearly 70% of all distilled spirits brands sold in this country. Over the years, DISCUS has served as the distillers' voice on public policy and legislative issues in our nation's capital, state capitals and foreign capitals worldwide. Our members include Bacardi USA, Beam Global, Brown-Forman, Constellation Brands, Diageo, Florida Caribbean Distillers, Luxco, Moët Hennessy USA, Patrón Spirits Company, Pernod Ricard USA, Rémy Cointreau, Sidney Frank Importing Company, and a group of 40 craft distiller affiliate members from across the country. It is an honor to recognize our newest craft distiller member, Mr. Colin Keegan from Santa Fe Spirits, who I am pleased is able to join us today.

On behalf of DISCUS, I appreciate the opportunity to speak today on the topic of drunk driving. I do not claim to be an expert on all aspects of this topic but I have had extensive experience working on federal anti-drunk driving issues during my tenure at DISCUS. Specialists at our sister organization, The Century Council, have spent careers working to prevent and combat drunk driving and their work is part of our social responsibility policies. The Century Council is an independent not-for-profit organization funded by many of the same companies that fund DISCUS and was founded 20 years ago to develop and implement programs that fight drunk driving and underage drinking. These programs have been launched across the nation bringing them to millions of parents, youth, educators, law enforcement officials, and traffic safety professionals.

For over 75 years, the Distilled Spirits Council has been committed to the elimination of drunk driving through education programs and the enactment of comprehensive drunk driving laws. Our history of responsibility includes anti-drunk driving PSA's dating back to the 30s, funding the development of a breathalyzer in the 1940s, serving on the Presidential Commission on Drunk Driving in the early 80s, and co-sponsoring with the Department of Transportation the highly successful "Friends Don't Let Friends Drive Drunk" public service campaign in the

1980s that continues today. In addition, in 2001, DISCUS and The Century Council forged a coalition with the Mothers Against Drunk Driving (MADD) in support of a .08 BAC level coupled with comprehensive drunk driving measures.

Through The Century Council, the spirits industry also has worked in partnership with law enforcement and the judicial community to target hardcore drunk drivers – those with a BAC of .15 or above and repeat DWI offenders. These initiatives include stricter penalties for hardcore drunk drivers and resources in developing programs to focus on these drivers who are the source of a disproportionate share of highway crashes. Distillers are proud of our longstanding commitment to social responsibility and will continue to lead the way in preventing and combating drunk driving.

Last year, Senator, you took another positive step in the fight against drunk driving by introducing the Roads Safe Act. DISCUS commends you for your efforts and we are pleased to reiterate our support for this important legislation. The bill provides funding for research to develop in-car alcohol detection technology that would be a voluntary option for automobile purchasers and would be set at the .08 BAC limit. We also support the objectives that this technology be highly accurate, moderately priced and unobtrusive to the responsible driver. DISCUS will, once again, urge Congress to act swiftly and pass the current legislation, the Roads Safe Act of 2011.

Prior to introducing the Roads Safe Act, all stakeholders were given the opportunity to share their thoughts on the legislation with your staff. DISCUS and our industry colleagues were grateful for this opportunity. Your staff provided a clear explanation of the bill and its objectives, and addressed our concerns about the import of this legislation, which are summarized below.

First, there was unease that the purpose of the Driver Alcohol Detection System for Safety (DADSS) program was to develop technology that would be mandatory in all new cars. It is known that some participants of the DADSS program envision a mandatory device at sometime in the future, but that is not the stated objective of the program or the research. DISCUS does not support mandating the installation of these devices in all cars, nor does the bill have this requirement. MADD, a strong proponent of this legislation, also underscored that this technology “would be an optional safety feature on new cars, not mandated on all vehicles” in its March 21, 2011 press statement applauding the introduction of the Roads Safe Act.

Interlock devices should be an option for people when they purchase a new car, not a government-required feature in every car. After all, nearly 40 percent of the adults in the United States do not even drink alcohol and the overwhelming majority of those adults who choose to drink do so responsibly.

Second, there was a question whether interlock devices would be set at a level lower than the .08 BAC legal limit. In response, your staff stated that interlocks will not be widely accepted if they are set below this legal limit, and provided assurances to address these concerns. Our support for this legislation hinges on the requirement that the device be accurately calibrated at the .08 BAC legal limit. MADD also emphasized in its March 21st press statement that “the technology would be set at .08 BAC, not lower.”

Third, the bill states that the driver alcohol detection system should be accurate at other BAC levels “as may be established by applicable federal, state or local law.” Your staff has repeatedly assured DISCUS that this provision is intended to account for the current federal 0.04 BAC limit for commercial drivers and zero tolerance limits established by states for individuals under the legal drinking age. Opponents of the bill see ambiguity in this provision and worry that it is a clear indicator that the device could be set at levels below the .08 BAC legal limit. While DISCUS does not share that view, we do respectfully suggest that the Committee consider ways to tighten up and amend the language of this provision to reflect your true intentions.

With this information in hand, the decision for DISCUS to support this bill was not difficult. In sum, the bill provides funding needed for research to develop in-car alcohol detection technology that would be a voluntary option for new car buyers and would be set at the .08 BAC legal limit.

All sectors of the distilled spirits industry – from suppliers to wholesalers to retailers – share the common objective of preventing drunk driving. We have been gratified to note that progress has been made in fighting drunk driving, but we all know more needs to be done. DISCUS thanks you for your commitment to this issue and we will look forward to helping you enact the Roads Safe Act during this Congress. Thank you for allowing me to speak on behalf of the Distilled Spirits Council at today's hearing.