

Part 3: Are You a Sucker for Bottled Water?

NRDC (Natural Resources Defense Council) conducted a four-year review of the bottled water industry and the safety standards that govern it, including a comparison of national bottled water rules with national tap water rules, and independent testing of over 1,000 bottles of water. **They found Major Regulatory Gaps. For example:** FDA's rules completely exempt 60-70 percent of the bottled water sold in the United States from the agency's bottled water standards, because FDA says its rules do not apply to water packaged and sold within the same state.



And, they found weaker rules for bottled water Even when bottled waters *are* covered by FDA's specific bottled water standards, those rules are weaker in many ways than EPA rules that apply to big city tap water. For instance, comparing those EPA regulations (for water systems which serve the majority of the U.S. population) with FDA's bottled water rules:

- City tap water can have no confirmed *E. coli* or fecal coliform bacteria (bacteria that are indications of possible contamination by fecal matter). FDA bottled water rules include no such prohibition (a certain amount of any type of coliform bacteria is allowed in bottled water).
- City tap water from surface water must be filtered and disinfected. In contrast, there are no federal filtration or disinfection requirements for bottled water -- the only source-water protection, filtration, or disinfection provisions for bottled water are completely delegated to state discretion, and many states have adopted no such meaningful programs.
- Bottled water plants must test for coliform bacteria just once a week; big-city tap water must be tested 25 times per week.
- Repeated high levels of bacteria (i.e., "heterotrophic-plate-count" bacteria) in tap water combined with a lack of disinfectant can trigger a violation for cities -- but not for water bottlers.
- Most cities using surface water have had to test for *Cryptosporidium* or *Giardia*, two common water pathogens that can cause diarrhea and other intestinal problems (or more serious problems in vulnerable people), yet bottled water companies don't have to do this.
- City tap water must meet standards for certain important toxic or cancer-causing chemicals such as phthalate (a chemical that can leach from plastic, including plastic bottles); some in the industry persuaded FDA to exempt bottled water from regulations regarding these chemicals.
- Any violation of tap-water standards is grounds for enforcement -- but bottled water in violation of standards can still be sold if it is labeled as "containing excessive chemicals" or "excessive bacteria" (unless FDA finds it "adulterated," a term not specifically defined).
- Cities generally must test at least 4 times a year for many chemical contaminants. Water bottlers generally must test once per year.
- Cities must have their water tested by government-certified labs; such certified testing is not required for bottlers.
- City tap water test results and notices of violations must be reported to state or federal officials. There is no mandatory reporting for water bottlers.
- City water system operators must be certified and trained to ensure that they know how to safely treat and deliver water -- not so for bottlers.
- City water systems must issue annual "right-to-know" reports telling consumers what is in their water; as detailed in this report, bottlers successfully killed such a requirement for bottled water. In Michigan, these are called "Consumer Confidence Reports."