

Committee on Energy and Commerce
Subcommittee on Oversight and Investigations
Hearing on “Regulation of Bottled Water”
Rep. Bart Stupak, Chairman
Opening Statement
July 8, 2009

Food safety is an extremely important issue that this Committee has held nearly a dozen hearings on over the past two years. Time and again, we hear from individuals who want more information so they can make wise decisions about what they eat and drink. My constituents are no exception. Today’s hearing on bottled water hits close to home. My vastly rural district in northern Michigan contains more shoreline than any other district except Alaska and we have a keen awareness of water quality issues. Michigan is also home to a large bottled water facility in Mecosta County that has not been without controversy over the years.

In 2008, Americans consumed 8.6 billion gallons of bottled water. Bottled water is a billion-dollar-a-year industry, with sales up more than 83% this decade. Many Americans believe that water they drink from a bottle is healthier than water that comes from their faucets. The Water Research Foundation found that nearly 56% of bottled water drinkers cite health and safety as the primary reason they choose bottled water over tap water. As a result, Americans are willing to pay top dollar for bottled water, which costs up to 1,900 times more than tap water and uses up to 2,000 times more energy to produce and deliver.

Over the past several years, however, bottled water has been recalled due to contamination by arsenic, bromate, cleaning compounds, mold, and bacteria. In April, a dozen students at a California junior high school reportedly were sickened after drinking bottled water from a vending machine.

Consumers may not realize that many regulations that apply to municipalities responsible for tap water do not apply to companies that produce bottled water. I would like to put up a chart that outlines some of these differences.

For example, municipal tap water suppliers are required to tell their customers within 24 hours if they find dangerous contaminants that exceed federal levels. But this requirement does not apply to bottled water companies.

Certified laboratories must be used to test tap water, but bottled water has no similar requirement.

Tap water suppliers provide their customers with annual “consumer confidence reports” that detail the sources of their water, any contamination found, the likely cause of contamination, and any potential health effects. Bottled water distributors are not required to provide this report to consumers.

Instead, bottled water customers rely on the limited information found on labels and, in some cases, on company websites. Some companies exacerbate this problem by exaggerating claims about the health benefits of their products. For example:

- Poland Springs explains the history of its water by saying this: “When Joseph Ricker was revived from his deathbed, reputedly by drinking the spring’s water — and lived another 52 years — the water’s health benefits became legendary.”

- Mountain Valley Water Company provides similar accounts of its water, stating: “Clinical tests at hospitals in New York, St. Louis, and Philadelphia demonstrated improvements in the health of patients suffering from kidney and liver disorders and rheumatism as a result of drinking Mountain Valley Water.”
- Aquamantra Spring Water explains that the words written on its labels — mantras such as “I am healthy” and “I am loved” — “permeate the liquid influencing the taste and beneficial properties of the water.” The company also claims that “Aquamantra uses the design on its labels to affect the molecular structure” of the water.

Today, the Subcommittee will receive two new reports that raise questions about why the regulations governing bottled water are weaker than those governing tap water, as well as the widespread public perception that bottled water is healthier than water from the tap.

The first is a report by the Government Accountability Office that was originally requested by our former Committee colleagues Hilda Solis and Al Wynn. In this report, GAO examines whether federal and state authorities are adequately ensuring the safety of bottled water and the accuracy of claims regarding its purity and health benefits.

The second is a report by the Environmental Working Group, which conducted an 18-month survey of bottled water labels and websites and concluded that just two of the 188 bottled water companies surveyed provided consumers with information on the source of their water, the manner in which it was treated, and any contaminants present.

Given these findings by GAO and the Environmental Working Group, the Subcommittee is sending letters today to a dozen bottled water companies, requesting information on the source of their water, their treatment methods, and the results of their contaminant testing for the last two years.

Even when water is treated at municipal facilities and then bottled, there still may be questions about contaminants such as pharmaceuticals that may be present in the treated water. The Environmental Working Group report suggests that an “estimated 25% of bottled water brands that rely on tap water are drawing from supplies that collectively contain at least 260 pollutants.”

According to the Associated Press, drugs have been found in municipal water samples across the country. Officials in Philadelphia discovered 56 pharmaceuticals or byproducts in treated drinking water. Anti-epileptic and anti-anxiety medications were detected in the treated drinking water for 18.5 million people in Southern California. And the drinking water here in Washington D.C. and surrounding areas tested positive for six pharmaceuticals.

For these reasons, I have introduced H.R. 1359, the Secure and Responsible Drug Disposal Act of 2009, which will provide for proper disposal through drug take-back programs so individuals are not simply flushing their medications down the toilet and into our water systems.

I am also proud to be an original cosponsor of the Food Safety Enhancement Act of 2009, which passed out of this Committee last month, and which provides FDA with much-needed authority to access testing records of food and water suppliers.

I look forward to today’s hearing, and I ask for unanimous consent that the reports issued today and the other documents in the binder prepared by staff be entered into the official hearing record.