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Before the

**SUBCOMMITTEE ON OVERSIGHT & INVESTIGATIONS
COMMITTEE ON ENERGY & COMMERCE
U.S. HOUSE OF REPRESENTATIVES**

On

"The Regulation of Bottled Water"

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Rayburn 2322, 10 a.m**

Mr. Chairman and distinguished Members of the Subcommittee: My name is Jane Houlihan, and I am the Senior Vice President for Research at Environmental Working Group (EWG), a nonprofit research and advocacy organization based in Washington, DC, Ames, Iowa, and Oakland, California. I thank the members of the subcommittee for holding this important hearing and for the opportunity to testify.

Today, EWG is releasing our 18-month survey of bottled water labels and websites, including top domestic and imported brands. This is what we've found: consumers spend 1,900 times more for bottled water than for tap water, yet they rarely know basic information about exactly what's in their water bottle.

Our survey shows that far too often consumers have no simple way to learn three essential facts: 1) where their bottled water comes from, 2) how or if it's treated, and 3) what chemical pollutants it contains.

We analyzed labels and websites from 188 bottled water brands to learn which bottlers voluntarily disclose the same information required of community water suppliers. We found that many choose to disclose no information at all to their customers on water source and purity. Instead, they simply make claims of purity and health benefits not backed by public data.

We also found:

- Just 2 of 188 bottled waters – Ozarka Drinking Water and Penta Ultra-Purified Water – list specific water sources and treatment methods on their labels, and offer a recent water quality test report on their websites.
- Many large bottled water brands obscure basic data about their products. None of the top 10 U.S. domestic bottled water brands (BMC 2007) label both their specific water source and treatment method for all their products. Yet some of these brands claim their products are "pure," "crisp,"

and "perfect." These claims are potentially misleading and imply an absence of contamination not possible for the drinking water industry to achieve.

- 100% of community tap water systems publish water quality test results annually. Only 18% of bottled waters do the same, publishing on their websites current bottled water quality reports, including contaminant testing results, for each of their products.¹

1. Consumers have a right to know where their bottled water comes from.

Unlike community tap water suppliers, bottled water companies enjoy a regulatory holiday from FDA. This double standard is unfair to consumers, who have a right to know what's in the water bottle they buy. Bottled water brands are not required to disclose the source of their water or the results of water quality testing. In contrast, all 52,000 community tap water suppliers nationwide produce an annual water quality report detailing for all their customers both their water source and their pollutant testing results, as required under the federal Safe Drinking Water Act. An estimated 58% of these reports also describe water treatment methods.

The Environmental Protection Agency (EPA) considers mandatory annual tap water quality reports to be "the centerpiece of the right-to-know provisions in the 1996 Amendments to the Safe Drinking Water Act." Both EPA and the states have authority to take enforcement action against water systems that fail to comply with the reporting requirements "to ensure that consumers' right-to-know is respected by all water suppliers" (EPA 2006).

Federal law requires community tap water suppliers to publish the name and location of their water sources. Bottled water companies are not required to do the same. Companies that package water from a municipal treatment plant without further purifying it must label the water as "from a community water system" or, alternatively, "from a municipal source." Because most water bottlers conduct some additional treatment, they escape this regulation. In those cases they can use terms such as "purified," "deionized" or "distilled" on the label — which often mean little to consumers. The bottom line is that the FDA does not require clear source identification on bottled water labels. Consumers need much more.

We investigated whether or not bottled waters are choosing to label where their water comes from. We found that 37% of bottled waters fully divulge the name and location of their water source, while 30% provide no information whatsoever. The remaining 33% give generic information like "spring" or "deep pristine crystalline rock aquifer."

Community water systems must report to their customers any potential sources of pollution the water sources. Bottled water companies don't. Instead of referencing a rigorous assessment, Fiji claims its Natural Artesian Water is "untouched by man" and "far from pollution."

Without basic data on bottled waters, consumers are forced to rely on marketing claims to inform their purchases. Labels from some brands with undisclosed, mysterious sources claim the water is "essential," "pure" or "crystal-fresh." Possibly, but consumers may just be paying for tap water.

¹ Bottled waters that publish test results include Poland Spring, Nestlé Pure Life, Arrowhead Mountain Spring Water and Perrier. Products that don't include Culligan Purified Drinking Water, Refreshe Purified Drinking Water and Giant Acadia Filtered Drinking Water.

2. Consumers have a right to know how their bottled water is treated.

The government does not require bottled water companies to disclose the methods used to purify their water, or even to state if their water has been treated in any way. While community water suppliers are not required to disclose treatment methods to their customers, they often do. Our survey of 2008 annual water quality reports found that 58% of 55 water utilities from 48 states and Washington D.C. told their customers how they treat the water. FDA regulations allow water bottlers to label their products with ambiguous descriptions such as "purified water" or "demineralized water," as long as they treat the water with a "suitable process" (FDA 2008a).

Unfortunately for consumers, the regulations fall short of requiring companies to disclose exactly what (if any) treatment processes they employ. This matters, because not all treatment methods are equal. Consumers need to know which ones are used to make informed decisions about their drinking water. Disclosing treatment methods is critical for bottled water companies, because people who buy their products may believe that the water is purer than tap water. But 33% of bottled waters we surveyed provide no information on labels or websites about how or if the water is treated; 44% provide no treatment information on labels.

The popular bottled water brand Fiji takes a creative approach to disclosure, claiming that the rainfall replenishing its aquifer is "purified by equatorial winds." But in 2005, lab tests commissioned by The Boston Globe in 2005 found "unusually high levels" of bacteria in Fiji water (Boston Globe, 2005). Furthermore, EWG's label research show that among bottled waters that fail to print water treatment information on labels, 60% instead print marketing claims of purity, using words like "pristine source." Consumers have no way to know if the claims are true.

3. Consumers have a right to know what pollutants are in their bottled water.

Four of every 5 bottled waters do not publish results of water quality testing. For these waters, consumers have no way to know the range and levels of pollutants found in the water. According to FDA requirements, bottled water companies are required to test their source water once a year for chemical contaminants, at a minimum, and once every 4 years for radiological contaminants. Waters taken from non-public water sources must be tested at least once a week for microbiological contamination (FDA 2008b).

While tap water suppliers are required to disclose water quality testing results to their consumers, the FDA only requires that bottlers maintain testing *records* to show government inspectors (FDA 2002). While some companies choose to make water quality test results available to the public, this disclosure is voluntary. Many choose to withhold this information. Nor are bottled water companies required to disclose the potential health effects or likely sources of any contaminants detected above health-based limits, as community water systems are required to do.

Few water sources are completely free of detectable contaminants. An estimated 25% of bottled water brands that rely on tap water (NRDC 1999) are drawing from supplies that collectively contain at least 260 pollutants, according to EWG's 2002-2005 survey of tap water testing conducted by community water supplies (EWG 2005).

4. Many bottled water labels' health claims and claims of purity are potentially misleading.

Test results for bottled water may be lacking, but claims of purity abound. Some companies indulge in superlatives. Volvic, for example, claims that its products are "extremely pure and distinctly different"

(Volvic 2009). Ice Mountain Natural Spring Waters goes even further, claiming that its waters are "pure as the driven snow" (Nestlé 2009). The website of Aquamantra Natural Spring Water wins the prize for original claims, however, stating that its water "resonates with the energy and frequency of well-being." According to Aquamantra, the quality of the drinker's thoughts determines the quality of the water; therefore, the company writes affirmative mantras on the bottles. Aquamantra asserts that these mantras "actually change the molecular structure of the water, and most definitely changes the flavor of the water" (Aquamantra 2009). Perhaps the assertions are true, but without federal standards to regulate claims and require disclosure, buyers should beware.

RECOMMENDATIONS

To eliminate the imbalance between tap water and bottled water and to give consumers more information about what they're drinking, EWG recommends that bottled water companies disclose to consumers on labels and websites the same information that tap water companies are required by law to provide. And we recommend that government officials make this disclosure mandatory.

Bottled water companies should:

- Provide easy-to-access water quality reports disclosing all test results.
- List on the label treatment methods used to purify the water; and clear, specific information on the water source and location.
- Test for unregulated chemicals that may leach from plastic bottles.

In conclusion, EWG strongly believes that the public has the right to know where its bottled water comes from, how or if it's treated, and what chemical contaminants the water contains.

Thank you for your time. I welcome the opportunity to answer any questions you may have.

Attachments

Figures
Report: Bottled Water Scorecard

References

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ATTACHMENT - FIGURES

Figure 1. Some smaller brands identify the exact water source on the label.



Great Value Drinking Water labels its specific source: “Municipal supply, Fort Worth, TX.”

Figure 1 cont. Some large national brands do not identify the water source on the label.



Dasani label provides no information on its water source.

Figure 2. Detailed information on purification methods fits easily on the label.



Ozarka Drinking Water labels its treatment methods - “Purified by reverse osmosis, carbon filtration, microfiltration and ozonation.”

Figure 3. Posting detailed test results is easy and boosts consumer confidence.



Water Analysis Report

Report Date: December 2008
 Testing Period: 1st – 3rd Quarter 2008

WATER TYPE
NESTLÉ® PURE LIFE® PURIFIED WATER ENHANCED WITH MINERALS FOR TASTE
LEVEL FOUND

SUBSTANCE	MRL*	MCL**	LEVEL FOUND
Volatile Organic Compounds			
Benzene	0.0005	0.005	ND
Carbon tetrachloride	0.0005	0.005	ND
Chlorobenzene (Monochlorobenzene)	0.0005	0.100	ND
1,2-Dichlorobenzene (o-DCB)	0.0005	0.600	ND
1,4-Dichlorobenzene (p-DCB)	0.0005	0.075	ND
1,1-Dichloroethane (1,1-DCA)	0.0005	0.005†	ND
1,2-Dichloroethane (1,2-DCA)	0.0005	0.005	ND
1,1-Dichloroethylene	0.0005	0.007	ND
cis-1,2-Dichloroethylene	0.0005	0.070	ND
trans-1,2-Dichloroethylene	0.0005	0.100	ND
1,2-Dichloropropane	0.0005	0.005	ND
1,3-Dichloropropane (Telone II)	0.0005	0.0005†	ND
Ethylbenzene	0.0005	0.700	ND
Methylene chloride (Dichloromethane)	0.0005	0.005	ND
Methyl-tert-Butyl-ether (MTBE)	0.003	0.013†	ND
Styrene	0.0005	0.100	ND
1,1,2,2-Tetrachloroethane	0.0005	0.001†	ND
Tetrachloroethylene	0.0005	0.005	ND
Toluene	0.0005	1.000	ND
1,2,4-Trichlorobenzene	0.0005	0.070	ND
1,1,1-Trichloroethane (1,1,1-TCA)	0.0005	0.200	ND
1,1,2-Trichloroethane (1,1,2-TCA)	0.0005	0.005	ND
Trichloroethylene (TCE)	0.0005	0.005	ND
Trichlorofluoromethane (Freon 11)	0.005	0.150†	ND
1,1,2-Trichloro-1,2,2-Trifluoroethane (Freon 113)	0.010	1.200†	ND
Trihalomethanes (THM - Total)	0.0005	0.080	ND – 0.004
Vinyl Chloride (VC)	0.0005	0.002	ND
Xylenes (Total)	0.0005	10.000	ND

Nestlé Pure Life Purified Water's online water quality report gives test results for dozens of chemicals.

Figure 3 continued. Some national brands like Aquafina provide no information at all on contaminant testing.



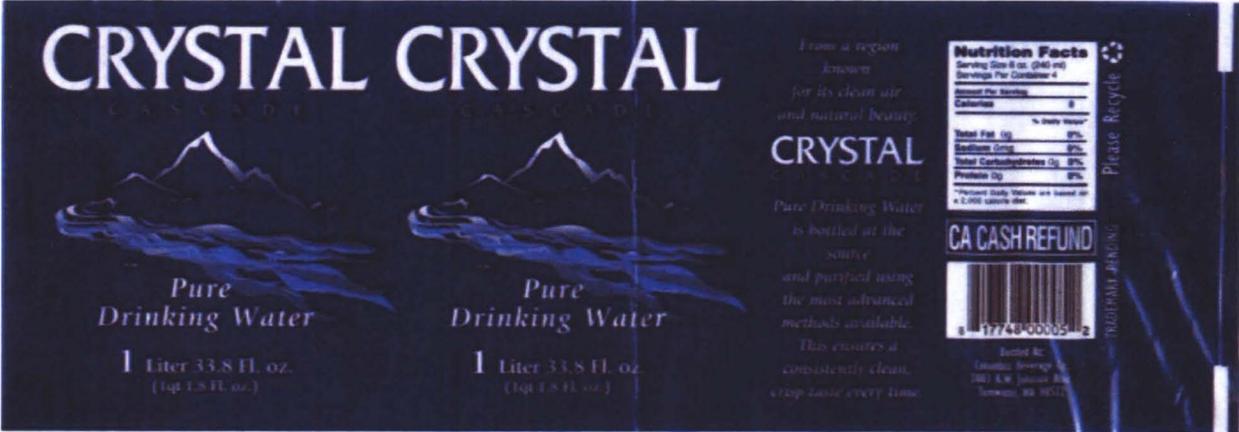
Aquafina provides no water quality report on its website.

Figure 4. Some smaller brands like Sparkletts provide consumers with 1-800 numbers, most bottlers do not.



For information call 1 (800) 682-0246
www.sparkletts.com

Figure 5. Some bottled water brands provide consumers with no information on water source, treatment, or testing (label or website).



Crystal Cascade Pure Drinking Water - no information on label, no website.



Springfield Drinking Water – no information on label, no website.