

**HOUSE . . . . . No. 1019**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Vincent A. Pedone*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to bottled water.

PETITION OF:

NAME:

*Vincent A. Pedone*

DISTRICT/ADDRESS:

*15th Worcester*

**HOUSE . . . . . No. 1019**

By Mr. Pedone of Worcester, a petition (accompanied by bill, House, No. 1019) of Vincent A. Pedone relative to the regulation of bottled water. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE

□ □ HOUSE  
□ , NO. 3869 OF 2009-2010.]

**The Commonwealth of Massachusetts**

An Act relative to bottled water.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 10A of chapter 94 of the General Laws, as so appearing, is hereby  
2 amended by adding the following sentence:-

3 All permits issued by a local board of health shall be subject to review and approval by  
4 the department of public health subject to sections 10A to 10E1/2 inclusive.

5 SECTION 2. Section 10B of chapter 94, as so appearing, is hereby amended by striking  
6 out the fourth sentence and inserting in place thereof the following sentence:-

7 The fee for each such permit and for each annual renewal thereof shall be determined  
8 annually by the commissioner of administration under the provision of section 3B of chapter 7;  
9 provided, that no such fee shall be less than \$1,000.

10 SECTION 3. Chapter 94 is hereby amended by inserting after section 10B the following  
11 section:-

12 Section 10B1/2. (a) As a condition of licensure, each person permitted to manufacture,  
13 bottle or sell water intended for human consumption, shall annually prepare a bottled water  
14 report and shall, upon request, make that report available to each customer.

15 (b) The bottled water report shall include, but not be limited to, all of the following:

16 (1) The source of the bottled water, consistent with applicable state and federal law and  
17 regulations.

18 (2) A brief and plainly worded definition of the terms "statement of quality," "maximum  
19 contaminant level," "primary drinking water standard," and "public health goal."

20 (3) A brief description of the treatment process.

21 (4) A reference to the United States Food and Drug Administration Web site that  
22 provides product recall information.

23 (5) The bottled water company's address and telephone number that enables customers to  
24 obtain further information concerning contaminants and potential health effects.

25 (6) Information on the levels of unregulated substances, if any, for which water bottlers  
26 are required to monitor pursuant to state or federal law or regulation.

27 (7)(i) The following statement: "Drinking water, including bottled water, may reasonably  
28 be expected to contain at least small amounts of some contaminants. The presence of  
29 contaminants does not necessarily indicate that water poses a health risk. More information about  
30 contaminants and potential health effects can be obtained by calling the United States Food and  
31 Drug Administration, Food and Cosmetic Hotline (1-888-723-3366)."

32 (ii) If the telephone number for the United States Food and Drug Administration, Food  
33 and Cosmetic Hotline changes, the statement shall be updated to reflect the new telephone  
34 number.

35 (8) The following statement: "Some persons may be more vulnerable to contaminants in  
36 drinking water than the general population. Immuno-compromised persons, including, but not  
37 limited to, persons with cancer who are undergoing chemotherapy, persons who have undergone  
38 organ transplants, persons with HIV/AIDS or other immune system disorders, some elderly  
39 persons, and infants can be particularly at risk from infections. These persons should seek  
40 advice about drinking water from their health care providers. The United States Environmental  
41 Protection Agency and the Centers for Disease Control and Prevention guidelines on appropriate  
42 means to lessen the risk of infection by cryptosporidium and other microbial contaminants are  
43 available from the Safe Drinking Water Hotline (1-800-426- 4791)."

44 (9) The following statement: "The sources of bottled water include rivers, lakes, streams,  
45 ponds, reservoirs, springs, wells and municipal water supplies. As water naturally travels over  
46 the surface of the land or through the ground, it can pick up naturally occurring substances as  
47 well as substances that are present due to animal and human activity. Substances that may be  
48 present in the source water include any of the following:(1) Inorganic substances, including, but  
49 not limited to, salts and metals, that can be naturally occurring or result from farming, urban  
50 stormwater runoff, industrial or domestic wastewater discharges, or oil and gas production. (2)

51 Pesticides and herbicides that may come from a variety of sources, including, but not limited to,  
52 agriculture, urban stormwater runoff, and residential uses. (3) Organic substances that are  
53 byproducts of industrial processes and petroleum production and can also come from gas  
54 stations, urban stormwater runoff, agricultural application, and septic systems. (4) Microbial  
55 organisms that may come from wildlife, agricultural livestock operations, sewage treatment  
56 plants, and septic systems. (5) Substances with radioactive properties that can be naturally  
57 occurring or be the result of oil and gas production and mining activities."

58 (10) The following statement: "In order to ensure that bottled water is safe to drink, the  
59 United States Food and Drug Administration and the State Department of Public Health  
60 prescribe regulations that limit the amount of certain contaminants in water provided by bottled  
61 water companies."

62 (11)(i) The following statement, if nitrate (NO<sub>3</sub>) levels above 23 parts per million but  
63 below 45 parts per million (the Maximum Contaminant Level for nitrate (NO<sub>3</sub>)) are detected:  
64 "Nitrate in drinking water at levels above 45 mg/L is a health risk for infants of less than six  
65 months of age. These nitrate levels in drinking water can interfere with the capacity of the  
66 infant's blood to carry oxygen, resulting in a serious illness. Symptoms include shortness of  
67 breath and blueness of the skin. Nitrate levels above 45 mg/L may also affect the ability of the  
68 blood to carry oxygen in other individuals, including, but not limited to, pregnant women and  
69 those with certain specific enzyme deficiencies. If you are caring for an infant, or you are  
70 pregnant, you should ask advice from your health care provider."

71 (ii) If the nitrate disclosure requirements for municipal water suppliers are revised by the  
72 department of public health, this statement shall be updated to reflect the revision.

73 (12)(i) The following statement, if arsenic levels above 5 ppb, but below 10 ppb (the  
74 Maximum Contaminant Level for arsenic), are detected: "Arsenic levels above 5 ppb and up to  
75 10 ppb are present in your drinking water. While your drinking water meets the current EPA  
76 standard for arsenic, it does contain low levels of arsenic. The standard balances the current  
77 understanding of arsenic's possible health effects against the costs of removing arsenic from  
78 drinking water. The department of public health continues to research the health effects of low  
79 levels of arsenic, which is a mineral known to cause cancer in humans at high concentrations and  
80 is linked to other health effects, including, but not limited to, skin damage and circulatory  
81 problems."

82 (ii) If the arsenic disclosure requirements for municipal water suppliers are revised by  
83 the department of public health, this statement shall be updated to reflect the revision.

84 (13) A full disclosure of any exemption, variance or waiver granted to the bottler by the  
85 department of public health, including an explanation of reasons for each exemption, variance or  
86 waiver and the date of the exemption, variance or waiver.

87 SECTION 4. Section 10D1/2 of chapter 94 of the General Laws, as appearing in the  
88 2006 Official Edition, is hereby amended by striking out the first sentence and inserting in place  
89 thereof the following sentence:-

90 All persons permitted to manufacture, bottle or sell water intended for human  
91 consumption under section 10A or 10B shall, at least weekly, cause to be tested by a laboratory  
92 certified as provided herein, the water contained in their finished bottled water product. Such  
93 tests shall be reported to the department of public health on a quarterly basis.

94 SECTION 5. Chapter 94 of the General Laws, as so appearing, is hereby amended by  
95 inserting after section 10D1/2 the following section:-

96 Section 10D3/4. The department of public health shall develop and maintain a procedure  
97 for the recall of bottled water for each bottler and each person who sells or distributes bottled  
98 water which such bottler, seller or distributor knows or has reason to believe may adversely  
99 affect the safety of the public. Such procedure shall include public notification and  
100 documentation of the terms and conditions of any recall.

101 SECTION 6. Section 10E of chapter 94 of the General Laws, as appearing in the 2006  
102 Official Edition, is hereby amended by adding the following sentence:-

103 The department of public health shall make rules and regulations regarding the removal  
104 of unpermitted finished products from retail stores and shall impose fines and penalties for the  
105 failure to remove such products.

106 SECTION 7. Chapter 94 of the General Laws is hereby amended by striking out section  
107 10E1/2 and inserting in place thereof the following section:-

108 Section 10E1/2. (a) The state department of public health shall establish rules and  
109 regulations for water standards and labeling requirements for finished bottled water products  
110 which meet, at a minimum, the labeling requirements and quality standards set forth in this  
111 section for bottled water products.

112 (b) Each finished bottled water product sold at retail or wholesale in the commonwealth  
113 in a beverage container shall include a label, to be affixed to each bottle or container before it  
114 leaves the plant. The label shall be printed in English, in legible type which shall be in contrast  
115 to typography, layout, or color, with other printed matter on the label, cap, or container. Each  
116 label shall show:

117 (1) the type of water, for water coming from springs: "spring water", for artesian or  
118 pumped water taken from the ground, from drilled wells or approved dug wells: "well water", for  
119 a municipal water supply source, the name of the municipal supply, such as "municipal water  
120 supply", for bottled waters identified on the label as being distilled, the type of source water need  
121 not be shown;

122 (2) the address and location of the bottling factory or corporate offices;

123 (3) net contents or capacity of the container;

124 (4) the assigned department of public health permit number, abbreviations are limited to  
125 “MADPH Cert. #000”;

126 (5) where sodium content information is provided, a statement of the number of  
127 milligrams of sodium in a specific serving and the net quantity or measure of each serving shall  
128 be placed on the label; and

129 (6) a clear and conspicuous statement that informs consumers about how to access water  
130 quality information contained in the bottled water report required by section 10B1/2.

131 (c) Any bottled water sold in the commonwealth shall, at a minimum, conform to the  
132 standards for municipal water supply quality. These standards shall, at a minimum, include the  
133 following:

134 (i) maximum microbiological contaminant levels;

135 (ii) appropriate monitoring requirements and analytical methods;

136 (iii) inorganic chemical maximum contaminant levels;

137 (iv) monitoring for sodium;

138 (v) control of lead and copper;

139 (vi) compliance with secondary maximum contaminant level and public notification for  
140 fluoride;

141 (vii) monitoring for perchlorate;

142 (viii) monitoring for synthetic organic chemicals;

143 (ix) maximum contaminant levels for volatile organic compounds;

144 (x) monitoring for unregulated inorganic and organic chemicals;

145 (xi) secondary chemical standards;

146 (xii) disinfection byproducts, disinfectant residuals and disinfection byproduct  
147 precursors;

148 (xiii) maximum turbidity contaminant levels; and

149 (xiv) maximum radionuclide contaminant levels.