



**House
Legislative
Analysis
Section**

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AMEND BOTTLED WATER ACT

House Bill 4817

Sponsor: Rep. Gary Randall

Committee: Agriculture & Forestry

Complete to 6-1-93

A SUMMARY OF HOUSE BILL 4817 INTRODUCED 5-27-93

Public Act 129 of 1992 amended the Michigan Food Law to regulate bottled water. The bill would amend this section of the food law, making some technical amendments as well as the following more substantive amendments:

Change labeling of sodium and potassium content. Currently, except for purified water, bottled water labels must contain the amount, per serving, of sodium and potassium, and cannot identify water as sodium free unless the water has less than 20 milligrams per liter or less than 5 milligrams per 8 ounces. The bill would amend this part of the act to say that bottled water labels would have to state the amount, per serving, of sodium and potassium, only if the water has not less than five milligrams of either substance per 240 milliliters or 8.12 fluid ounces.

Delete labeling of synthetic organic compounds. The bill would eliminate the requirement that display panels on bottled water contain both the federal Environmental Protection Agency detectable levels of synthetic organic compounds (identified in the state Safe Drinking Water Act, Public Act 399 of 1976), as well as the name and address of the manufacturer or distributor.

Label municipal water. The bill would require that water from municipal sources that had not been purified (in the act, "purified water" is defined as "water that is produced by distillation, deionization, ion exchange, reverse osmosis, or an equivalent process and that contains not more than 10 parts per 1,000,000 total dissolved solids and no added substance") be labeled "from a municipal source" on the principal display panel(s). The statement would have to "immediately and conspicuously" precede or follow the name of the food (i.e. bottled water) without intervening written, printed, or graphic matter other than as required in the act. The statement type size would have to be at least one-sixteenth of an inch in size and at least one-half of the declaration of identity.

Non-sterile bottled water for infants. If the labeling of non-sterile bottled water in any way (whether through words or pictures) characterized the water as for use in feeding infants, the bottle would have to have the phrase "not sterile, use as directed by physician or by labeling directions for use of infant formula" conspicuously displayed on the display panel.

Water analysis requirements for bottled water plant operators. The bill would require water bottlers to do daily analyses of water for microbiological contaminants and annual analyses for chemical, physical, and radiological contaminants.

At the time of bottling, water bottlers would have to run daily analyses of each type of bottled water produced for microbiological contaminants. The analysis would be done on representative samples from batches or segments of continuous production runs, and would have to include the total count and coliform count. Records of these daily samplings and analyses would have to be filed and kept at the plant for at least two years or as required by rule, whichever was longer, and would have to be kept available for review upon request by the director of the Department of Agriculture.

Samples collected on a quarterly basis would have to be sent to an approved laboratory for analysis in accordance with standard analytical methods, and the results sent to the department.

At the time of bottling, water bottlers also annually would have to collect representative samples of each type of bottled water and send these samples to an approved laboratory for analysis of chemical, physical, and radiological contaminants. The results would have to be sent to the department.

Annual proof of ANSI certification. Operators of water bottling plants would have to submit annually to the MDA evidence of certification by an independent, not-for-profit, third party organization operating a certification program accredited by the American National Standards Institute at the time the bill took effect. The certification would have to show that the bottled water plant, containers, and closures met federal standards and that the bottled water met the requirements of the act and rules promulgated by the department. If the certifying organization noted deficiencies, the plant operator would be required to submit a written explanation of corrective action that had been accepted by the certifying organization.

Other provisions. Currently, the act lists eleven "declarations of identity" that must be identified in labeling and advertising: artesian well water, artesian spring water, demineralized water, distilled water, mineral added water, mineral water, mineralized water, purified water, spring water, unprocessed public drinking water, and well water. In addition to these existing eleven declarations of identity in the act, bottled water could be identified in labeling and advertising as "bottled water," and "drinking water."

MCL 289.722c et al.