BOTTLED WATER: INDEPENDENT INSPECTIONS, LABELS

House Bill 4817 as enrolled
First Analysis (4-15-94)

Sponsor: Rep. Gary Randall
House Committee: Agriculture &
  Forestry
Senate Committee: None

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THE APPARENT PROBLEM:

Public Act 129 of 1992 (enrolled House Bill 4278) amended the Michigan Food Law to regulate bottled water. Among other things, the act establishes eleven "declarations of identity" that must be used in advertising and labeling bottled water. However, the Senate substitute for the House-passed version of the bill substituted for "drinking water" the declaration of identity called "unprocessed public drinking water." This deletion apparently has caused some problems for water bottlers who identify their bottled water products as "drinking water."

The act regulating bottled water also requires that bottled water be from sources approved by the Michigan Department of Public Health and comply with all federal and other state quality standards. Before operating a bottled water plant, the plant operator also must demonstrate to the Department of Agriculture that the source of the water, the bottling facility, the water treatment and bottling practices, and the final product all meet the act's requirements. Copies of the current sanitary survey report and the water sample results required by the Safe Drinking Water Act have to be kept at bottling plants to demonstrate to the director of the MDA that the water is from an approved source and supply. However, the act doesn't require any kind of independent inspection to ensure compliance with the act.

Legislation has been introduced that would address both of these issues.

THE CONTENT OF THE BILL:

The bill would amend the section of the Michigan Food Law which regulates bottled water, to authorize the director of the Department of Agriculture (MDA), upon the request of a bottled water plant operator, to grant the operator permission to continue to use existing stocks of labels until July 1, 1994 (rather than June 30, 1993, as currently provided).

The bill also would require annual inspections of bottled water plants by independent third-party organizations approved by the MDA (which would promulgate rules setting down the minimum criteria to be considered an acceptable inspector). The inspection would have to verify that the plant, containers, and closures met federal requirements and that the bottled water met state requirements. If the third-party inspector noted any deficiencies, the operator would have to submit a written explanation of corrective measures that was accepted by the inspector.

MCL 289.722g and 289.722k

FISCAL IMPLICATIONS:

Fiscal information is not available. (4-15-94)

ARGUMENTS:

For:
The bill would correct a major weakness in the bottled water act, as well as allow water bottlers to use up their remaining stocks of labels identifying their product as "drinking water," which the act currently would prohibit.

As originally enacted, the bottled water act didn't require independent, third-party testing of water bottling plants, though it is both appropriate and effective to privatize this inspection process. Independent, third-party inspectors can guarantee, in ways not possible through "in house" inspections, that the plant, containers, closures, and water meet

both state and federal standards, thereby assuring Michigan consumers of a high quality, safe water product. At the same time, the inspection requirement means that there will be more business for the private sector.

In addition, the bill would correct a problem caused by the inadvertent omission of "drinking water" from the act's list of "declarations of identity." This inadvertent omission reportedly poses a hardship to water bottlers who already have stocks of water products with this label, which isn't allowed under the current law. Without the bill, bottlers would be required to relabel water after June 30, 1993, that otherwise is perfectly fit to be sold under the new act.