

February 23, 2018

IBWA Statement on: “Take Back the Tap: The Big Hustle of Bottled Water,” a report by Food and Water Watch, February 2018

Food and Water Watch (FWW) has released a report that contains many false and misleading claims about bottled water. Provided below are the facts about this safe, healthy, and convenient product.

Americans are making great efforts to live a healthier lifestyle and drinking water, including bottled water, plays an important role in their success. Bottled water’s lack of calories, sugar, and artificial ingredients, and its convenience and refreshing taste attract health-conscious consumers. And at a time when obesity, heart disease, and diabetes are at very high levels in America, drinking water – tap, bottled, or filtered – should be encouraged. However, FWW’s report seeks to discourage people from drinking bottled water, which is not in the public interest.

In 2016, bottled water overtook carbonated soft drinks to become the No.1 packaged beverage in the United States (by volume). Americans are increasingly choosing healthier food and beverage options and almost all of bottled water’s gains in volume during the past 15 years have come from the decreased consumption of carbonated soft drinks. Despite the continued efforts of FWW and other industry critics to discourage people from drinking bottled water, sales and consumption of this healthy product continue to grow. We appreciate FWW’s interest in America’s No.1 packaged beverage, but we also need to set the record straight regarding the many false, misleading, and outdated information they include in their report.

- **Bottled Water Regulation:** Bottled water, as a packaged food product, is strictly and comprehensively regulated by the U.S. Food and Drug Administration (FDA). Federal law requires that FDA bottled water regulations be as protective of the public health as standards set by the Environmental Protection Agency (EPA) for tap water. In fact, in some cases, such as lead, the FDA bottled water regulations are more stringent than the EPA tap water standards. In addition, on a gallon-for-gallon basis, bottled water is required by law to be tested for safety at least 30 times more often than tap water.

Bottled water is one of the few food products that FDA also subjects to extra two sets of requirements in addition to the general food Good Manufacturing Practices (GMPs) -- one prescribing bottled water Good Manufacturing Practices, and the other imposing specific bottled water standards of identity and quality. FDA's GMPs for bottled water apply to every aspect of production, from source protection, all the way through processing, to finished water sampling for purity

prior to final bottling. FDA has established standards for more than 90 substances pursuant to the Standard of Quality (SOQ) for bottled water. Most FDA bottled water quality standards are the same as EPA's maximum contaminant levels (MCL) for public water systems. The few differences are usually the result of the substance not being found in bottled water or the substance is regulated under FDA's food additives program.

- **Bottled Water Safety:** Bottled water is among the safest food products on the market. All bottled water products - whether from groundwater or public water sources - are produced utilizing a multi-barrier approach. From source to finished product, a multi-barrier approach helps prevent possible harmful contamination to the finished product as well as storage, production, and transportation equipment. Many of the steps in a multi-barrier system are effective in safeguarding bottled water from microbiological and other contamination. Measures in a multi-barrier approach may include one or more of the following: source protection, source monitoring, reverse osmosis, distillation, micro-filtration, carbon filtration, ozonation, and ultraviolet (UV) light.

Regarding the quality and safety of tap water, in the past three years, 1,056 boil alerts were issued by public water systems in the United States. In addition, research indicates that 19.5 million cases of acute gastrointestinal illness per year are caused by tap water, resulting in as many as 1,000 deaths annually. Moreover, the United States Centers for Disease Control and Prevention (CDC) reports that waterborne diseases, such as Cryptosporidiosis and Giardiasis, cost the U.S. healthcare system as much as \$539 million a year in hospital expenses.

- **Bottled Water and Emergencies:** When the safety and quality of public drinking water are compromised, people rely on store-bought or emergency relief bottled water. The Federal Emergency Management Agency (FEMA) specifically recommends that store-bought bottled water be part of peoples' supplies; at least 1 gallon per-person, per-day for three days. Storing bottled water is a safe, convenient way to ensure that you have an adequate supply of water on hand.

Bottled water is always there when it is needed. However, the efforts of the bottled water industry to provide crucial drinking water to citizens afflicted by natural disasters and other emergency situations are contingent on an ongoing viable commercial market. This provides bottled water companies with the infrastructure and capital resources to respond immediately when needed. The bottled water industry cannot exist only for disaster response as some industry critics have advocated. The importance and value of these efforts are often only fully understood when people need bottled water the most. To discourage the use of bottled water, or make false statements about the safety of bottled water, does a disservice to consumers who rely on bottled water to provide

much-needed safe drinking water in the aftermath of hurricanes, floods, wildfires, and tap water boil alerts or contamination.

- **Safety of PET Plastic Bottles:** As with all food packaging materials, bottled water containers must be made from food contact substances approved by FDA. This means the plastic and glass containers used for bottled water products have undergone FDA scrutiny prior to being available for use in the marketplace. FDA has determined that containers used by the bottled water industry are safe for use with food and beverage products—including bottled water—and they do not pose a health risk to consumers. In addition, single-serve bottled water products are packaged in PET plastic containers, which do not contain ingredients capable of producing dangerous substances under conditions of normal use, including being subjected to hot temperatures. For more than 30 years, PET plastic has been approved as safe for food and beverage contact by FDA and similar regulatory agencies throughout the world. PET plastic is used in the containers for many other beverages, including soft drinks, juices, beer, wine, and spirits.
- **Water Use:** Compared to other industries (e.g. agriculture, livestock, public supply), bottled water uses a very small amount of water—just 0.011% of all water used in the United States and 0.02% of all groundwater used. In addition, the amount of water used to produce bottled water products is less than all other types of packaged beverages; on average, only 1.32 liters per liter of finished bottled water (including the 1 liter of water that is consumed). The decision to set up a bottling facility is one that is made only after the water source's sustainability and the plant's potential environmental impact have been thoroughly analyzed. To that end, bottled water companies take steps such as buying and protecting the land area surrounding the water source and facility, monitoring and measuring water use and withdrawals, and reducing the amount of water used in production. In many cases, state or local governments set limitations on water withdrawals to protect the sources. If a bottler uses a municipal water source, it is able to do so because the city has excess water capacity and wants to sell it to help pay for operating expenses and providing services to its citizens without needing to raise taxes. Like all commercial water-users—bottled water companies must pay for the water they use.
- **Recycling/Environment:** Bottled water has the smallest environmental footprint of all packaged beverages. All bottled water containers are 100% recyclable, and, as an industry, we support strong community recycling initiatives and recognize that a continued focus on increased recycling is important for everyone. In addition, bottled water containers are the most common item in curbside recycling programs, recycled at a rate of 53.1 percent. And the industry is always looking for ways to strengthen existing recycling programs and help to expand recycling efforts ever further. However, even when they are not

properly recycled, bottled water containers make up only 3.3 percent of all drink packaging in U.S. landfills. Carbonated soft drink containers make up 13.3 percent; and aluminum cans make up 7.9 percent. Bottled water also has the lowest water- and energy-use ratios of all packaged beverages. As mentioned earlier, on average, it takes only 1.32 liters of water to produce 1 liter of finished bottled water (including the liter of water consumed), which is the lowest water-use ratio of any packaged beverage product. And on average, only 0.24 mega joules of energy are used to produce 1 liter of bottle of water.

Continual light-weighting of PET plastic packaging has seen the average weight drop to 9.25 grams per 16.9 ounce single-serve container. That is almost one-third less than the amount of PET it takes to make carbonated soft drink and other beverage containers, which need to be thicker due to carbonation and manufacturing processes and weigh, on average, 23.9 grams. According to the Beverage Marketing Corporation, between 2000 and 2014, the average weight of a 16.9-ounce (half-liter) PET plastic bottled water container declined 51 percent. This resulted in a savings of 6.2 billion pounds of PET resin since 2000.

While bottled water is just one of thousands of consumer items packaged in plastic, the bottled water industry has also gone to great lengths to reduce the environmental impact of its packaging, including developing new technologies in product packaging such as the use of recycled content, reduction of plastic used in caps and shrink-wrapping, and reduction of paper used in labels and shipping cardboard. IBWA member companies are increasing their use of recycled PET (rPET) and many bottled water companies already use bottles made from 50, 75, and, in some cases, 100 percent rPET. Furthermore, the bottled water industry is continually developing additional ways to reduce its environmental footprint from production to distribution to consumption. This includes development of “green” bottling facilities, as well as utilization of more fuel-efficient means of producing and transporting product to market.

- **Support for Public Water Systems:** The bottled water industry supports a strong public water system, which is important for providing citizens with clean and safe drinking water. Bottled water is a healthy packaged beverage product and we don't view tap water as our competition. Instead, we are competing in the marketplace against carbonated soft drinks and other sugar sweetened beverages. In fact, IBWA strongly endorsed the Water Resources Reform and Development Act of 2014, which supported a strong American public water infrastructure and created the Water Infrastructure Finance and Innovation Authority (WIFIA). That program provides low-interest federal loans to communities, which reduces the cost of financing large water and wastewater infrastructure projects. The ongoing debates on this issue are a result of decades of insufficient infrastructure spending.

In addition, many bottled water companies use public water sources for their purified bottled water products. However, it is important to note that this is not "just tap water in a bottle." Once the tap water enters the bottled water plant, several processes are employed to ensure that it meets the standard for purified water in the U.S. Pharmacopeia, 23rd Revision. These treatments may include one or more of the following: reverse osmosis, distillation, micro-filtration, carbon filtration, ozonation, and ultraviolet (UV) light. The finished water product is then placed in a bottle under sanitary conditions and sold to the consumer. The chemical and physical quality of this water is not the same as water that comes out of the tap. If the finished water does not meet strict FDA regulations, then it is deemed adulterated and subject to recall.

- **Bottled Water Price:** As a popular retail food product, bottled water is available at many differing price points. According to the Beverage Marketing Corporation (BMC), bottled water's average wholesale price per gallon stood at \$1.27 in 2016, which is far less than the \$9.47 figure used in the FWW report. In addition, research shows that consumers most often buy bottled water in bulk from supermarkets or large discount retailers, where they can purchase it in cost-saving volume, not individually priced bottles, as used by FWW to arrive at \$9.47 per gallon figure. According to BMC, 60% of all bottled water sold is purchased at grocery and big box stores. Only 4.7% is purchased at convenience stores, and 2.2% from drug stores. The remaining 33.6% is accounted for through vending, food service, schools, stadiums, and other sales.
- **Advertising:** Contrary to claims made by FWW, the success of the bottled water industry has always been consumer-driven and simply cannot be attributed to costly advertising and marketing campaigns. People realize that bottled water is a safe, healthy, and convenient product, and that is what motivates their purchases. In fact, compared to other beverages, bottled water companies spend relatively little on advertising and marketing. In 2016, the bottled water industry spent \$34.4 million on ads. This figure is just 3.9% of what carbonated soft drink producers spent (\$885 million), 13% of what the milk industry spent (\$262 million), and 15% of the advertising budgets of fruit beverage producers (\$226 million), according to figures from Kantar Media. If, as suggested by FWW, the amount of advertising dollars spent is the sole reason for bottled water's success, then why do carbonated soft drinks, which spend nearly 26 times more than bottled water on advertising, continue to lose market share to bottled water? Bottled water companies, like all other businesses, use demographic traits, such as age, gender, location, and race, when advertising and marketing their products. It is clear that the growth in bottled water consumption is primarily the result of consumers choosing to purchase a safe, healthy, great-tasting, quality packaged beverage product.

- **University of Wisconsin study:** The FWW report claims that a study by researchers at the University of Wisconsin shows that children who drank primarily bottled water were more likely to get sick from acute diarrhea than those who drank primarily tap water. It is important to note that this study did not find a causal relationship but only an association. And the author acknowledges the study's limitations in the discussion of the results, *"Another limitation is the reliance on self-reported data for water use. The use of a validated questionnaire was designed to reduce any resulting information bias. Most importantly, we have no data on pathogens in either the patients or water. Such data would be helpful in establishing whether the observed association is truly causal."* As such, no definitive conclusions about bottled water can be drawn from the study.
- **Environmental Working Group (EWG) report:** The FWW report includes several references to the 2008 EWG study, which has been discredited as biased and misleading. The results of the EWG study were based on the faulty premise that if any substance is present in a bottled water product—even if it doesn't exceed the established regulatory limit or no standard has been set—then it is a health concern. The EWG report did not show any correlation between the levels of substances found in the bottled water brands tested and any potential adverse health effects. Moreover, the EWG report provides results from a market basket testing program that the EWG conducted on 10 brands of bottled water in nine states and the District of Columbia. That is certainly not a representative sample of bottled water products—which the EWG report acknowledged. In the report, the EWG frequently mischaracterizes substances found in the tested bottled water products and discusses them out of context with accepted scientific determinations. The report is based on the faulty premise that if any substance is present in a bottled water product, even if it does not exceed the established regulatory limit or no standard has been set, then it's a health concern. For example, the EWG was critical of the bottled water brands found to contain fluoride. However, fluoride can prevent tooth decay and the American Dental Association has stated the following: *"Whether you drink fluoridated water from the tap or buy it in a bottle, you're doing the right thing for your oral health."* Moreover, the levels of fluoride found in the bottled water tested by the EWG were all in compliance with the applicable FDA standards.
- **California Drought:** The bottled water industry has a long and deeply-held tradition of effectively and responsibly protecting and managing natural resources. Sustainable, protected, and naturally recharged water sources are the single most important aspect of the industry's business. This commitment to environmental excellence holds true wherever bottled water facilities are located. As the state of California faces challenges related to its ongoing drought, the International Bottled Water Association and its members remain

committed to the responsible and efficient use of all natural resources related to bottled water production.

The industry is proud to continuously be on the forefront of water conservation and management, the efficient use of water, and responsibly managing groundwater and spring water resources. In California, the bottled water industry accounts for only 0.02 percent of all water used. To put that in context, Los Angeles uses as much water in three weeks as the bottled water industry use in the entire U.S. in one year. Most of the bottled water from California sources is sold in California. Many IBWA member companies in California have implemented a variety of water conservation strategies, including: auditing total water use within their facilities, looking for leaks in all of their piping and tanks, planting drought-resistant vegetation at their facilities, training employees about water conservation techniques, and implementing water use restrictions at their facilities.

When asked about the bottled water industry's role in the state of California, Felicia Marcus, the Chair of the California State Water Resources Control Board said the following in an interview with the Sacramento Bee.

Q: How are we to think about these big water bottling companies? Are these guys basically ripping off the rest of the state?

A: Oh, gosh no. Here's the thing that happens in a crisis, everybody points to their favorite use they do not like. And there are people who do not like bottled water because of the bottles. Right now, if folks have a legal entitlement to water for their personal use or economic use, they can use it as long as they have a valid right to that water. So to pick on bottled water vs. soda, which may take more water, or beer would be a good example, it may take less water to do bottled water because the processing is different. So picking on particular economic uses is something that's a little perilous.

In addition, IBWA was recognized for the many bottled water donations made to East Porterville, California at the height of the drought in 2015. At that time, the County of Tulare Board of Supervisors presented a proclamation to IBWA to thank IBWA members for their emergency relief bottled water donations.

- **Ocean Plastics:** New research into the sources of plastic pollution in the world's oceans has seen many groups, including the Ocean Conservancy, update statements and positions on this topic. New research has found that 90 percent of that ocean waste comes from 10 major river systems in developing areas that completely lack waste management systems (eight rivers in Asia and two in Africa). Restricting the sale of bottled water in North America, which has both waste management and recycling systems, will have little or no impact on the

ocean plastic issue.

- **Interstate Bottled Water Sales:** FDA's jurisdiction over bottled water products (and any other product regulated by FDA) extends not only to those products that move in interstate commerce but also to those products sold within a single state that are enclosed in packaging materials that have moved in interstate commerce. Known as the component theory of FDA jurisdiction, courts have long held that if any component of a food product moves in interstate commerce, FDA has jurisdiction over the finished product, regardless of whether the finished product itself moves in interstate commerce [e.g., *United States v. An Article of Food*, 752 F.2d 11 (1st Cir. 1985)]. In the case of bottled water, if the plastic used in the bottles, the plastic used in the caps, the paper and ink used on the labels, any other outer packaging materials, and even the water itself comes from out of state, then FDA has jurisdiction over that product. And in today's commercial society, that will almost always be the case. Congress has recognized this fact by enacting a law that expressly presumes that all food and beverage products are sold in interstate commerce. (21 U.S.C. § 379 (a)).
- **Bottled Water's Economic Impact in Communities:** Companies that manufacture, distribute, and sell bottled water products employ more than 220,993 Americans in cities and towns throughout the United States and generate an additional 432,278 jobs in supplier and ancillary industries. Not only does the manufacture and sale of bottled water supplies create good jobs in the United States, it also contributes to the economy as a whole. In fact, the bottled water industry is responsible for as much as \$152.57 billion in economic activity. In addition, companies that produce, distribute and sell bottled water; their employees; and other firms and employees that depend on bottled water for their livelihoods provide the Federal government with over \$9.25 billion in tax revenues. State and local governments benefit from over \$6.31 billion in business and personal taxes paid by these firms and their employees.

#