

April 4, 2025

The Honorable Elder A. Vogel Jr.
Chair
Senate Agriculture &
Rural Affairs
Senate Box 203047
Harrisburg, PA 17120-3047

The Honorable Judith L. Schwank
Chair
Senate Agriculture &
Rural Affairs
Senate Box 203011
Harrisburg, PA 17120-3011

RE: **Senate Bill 183 – Oversight of the Bottled Water Industry**

Dear Chairs:

The Pennsylvania-Section, American Water Works Association (PA-AWWA) consists of 2,500 + members representing all classes of water utilities in Pennsylvania, including those PUC regulated, authorities, and municipalities, plus regulators, vendors, contractors, engineers, and others dedicated to promoting the health and welfare of Pennsylvania by providing affordable drinking water of superior quality and sufficient quantity. The Water Utility Council of PA-AWWA (WUC) includes representatives from the National Association of Water Companies, Pennsylvania Chapter; Pennsylvania Municipal Authorities Association; Pennsylvania Rural Water Association; and Water Works Operators' Association of Pennsylvania.

The WUC **opposes Senate Bill 183**, which was referred to the Senate Agriculture & Rural Affairs Committee on January 24, 2025.

Senate Bill 183 (Argall-R) amends Title 3 (Agriculture), in food protection, further providing for rules and regulations. Revises bottled water standards for food establishments and water sources utilized by food establishments.

The purpose of the legislation is to streamline regulatory oversight of Pennsylvania's bottled water industry. Currently, water bottles that are half a gallon or larger are inspected by the Department of Environmental Protection (DEP) and are considered public water systems. Bottles under half gallon are inspected by the Department of Agriculture (PDA), which recognizes them as food products.

While this legislation seeks to consolidate regulatory oversight of bottled water under PDA, it would do so by removing bottled water systems which provide water for human consumption from regulation as a "public water system" under the Pennsylvania Safe Drinking Water Act (PA-SDWA). As an organization dedicated to safe drinking water systems, whose product is for human consumption, we strongly believe that regulatory oversight should be under DEP since it has the technical expertise to oversee the sources, sampling, monitoring, and treatment of drinking water for human consumption.

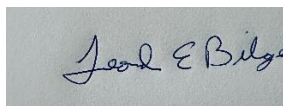
DEP currently has the statutory authority to regulate all bottled water facilities; however, there has been a policy in place since 1984 where the PDA oversees facilities that bottled water less than a half-gallon in size and DEP oversees facilities that bottle a half gallon in size or larger. Much has changed since 1984 including consumption habits where bottled water is now probably the highest volume mass-market drink in the U.S.

Therefore, bottled water should be held to the higher standards established by the PA-SDWA, which is more stringent than federal regulations and more protective of public health. Water for human consumption in Pennsylvania should be regulated under the same standards and not bifurcated between state agencies or defined differently simply to avoid DEP regulation. Whether in a bottle or from the tap, drinking water does not have preservatives or acids like a beverage; therefore, all water is subject to bacterial growth if not properly monitored, sampled, and treated. It is not enough to simply have DEP regulate the water sources for bottled water. The permitting process also includes many other things, not the least being an approved treatment process. In addition, bottled water systems currently must comply with monitoring and sampling requirements and adhere to Maximum Contaminant Levels (MCLs), including PFAS, under 25 Pa. Code § 109.1003. Monitoring requirements (Subchapter J. Bottled Water and Vended Water Systems, Retail Water Facilities and Bulk Water Hauling Systems).ⁱ

Finally, the constant change in our regulatory environment includes identifying and monitoring risks associated with contaminants affecting drinking water. For example, a recent study supported by the National Institutes of Health has found and confirmed evidence of plastic particles in human blood. The researchers found that, on average, a liter of bottled water included about 240,000 tiny pieces of plastic. About 90% of these plastic fragments were nanoplastics. This total was 10 to 100 times more plastic particles than seen in earlier studies, which mostly focused on larger microplastics. An abundance of polyethylene terephthalate (PET) was detected during the study. PET is used to make bottles for water, soda, and many other drinks and foods.ⁱⁱ

The WUC **opposes** Senate Bill 183 and respectfully requests your consideration of our concerns.

Respectfully submitted,



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PA-AWWA



Marc A. Lucca
NAWC-PA



Jennie Shade
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Matthew Walborn
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Joseph Falcone

Joseph Falcone
PRWA

Patrick M. Caulfield

Pat Caulfield
WUC Chairman

CC: Senate Agriculture & Rural Affairs

ⁱ 25 Pa. Code § 109.1003. Monitoring requirements (Subchapter J. Bottled Water and Vended Water Systems, Retail Water Facilities and Bulk Water Hauling Systems)

<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol53/53-2/46a.html&continued=&d=>

ⁱⁱ "Plastic particles in bottled water," National Institutes of Health, January 23, 2024

<https://www.nih.gov/news-events/nih-research-matters/plastic-particles-bottled-water>