

104TH CONGRESS
1ST SESSION

S. 412

To amend the Federal Food, Drug, and Cosmetic Act to modify the bottled drinking water standards provisions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14 (legislative day, JANUARY 30), 1995

Ms. SNOWE (for herself and Mr. COHEN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to modify the bottled drinking water standards provisions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bottled Water Stand-
5 ards Act of 1995”.

6 **SEC. 2. BOTTLED WATER STANDARDS.**

7 Section 410 of the Federal Food, Drug, and Cosmetic
8 Act (21 U.S.C. 349) is amended—

1 (1) by striking “Whenever” and inserting “(a)
2 Except as provided in subsection (b), whenever”;
3 and

4 (2) by adding at the end thereof the following
5 new subsection:

6 “(b)(1)(A) Not later than 180 days after the Admin-
7 istrator of the Environmental Protection Agency promul-
8 gates a national primary drinking water regulation for a
9 contaminant under section 1412 of the Public Health
10 Service Act (42 U.S.C. 300g-1), the Secretary, after pub-
11 lic notice and comment, shall issue a regulation under this
12 subsection for that contaminant in bottled water or make
13 a finding that the regulation is not necessary to protect
14 the public health because the contaminant is contained in
15 water in public water systems (as defined under section
16 1401(4) of such Act (42 U.S.C. 300f(4)) but not in water
17 used for bottled drinking water.

18 “(B) In the case of contaminants for which national
19 primary drinking water regulations were promulgated
20 under section 1412 of the Public Health Service Act (42
21 U.S.C. 300g-1) before the date of enactment of the Bot-
22 tled Water Standards Act of 1995, the Secretary shall
23 issue the regulation or publish the finding not later than
24 1 year after such date of enactment.

1 “(2) The regulation shall include any monitoring re-
2 quirements that the Secretary determines appropriate for
3 bottled water.

4 “(3) The regulation shall require the following:

5 “(A) In the case of contaminants for which a
6 maximum contaminant level is established in a na-
7 tional primary drinking water regulation under sec-
8 tion 1412 of the Public Health Service Act (42
9 U.S.C. 300g-1), the regulation under this subsection
10 shall establish a maximum contaminant level for the
11 contaminant in bottled water that is at least as
12 stringent as the maximum contaminant level pro-
13 vided in the national primary drinking water regula-
14 tion.

15 “(B) In the case of contaminants for which a
16 treatment technique is established in a national pri-
17 mary drinking water regulation under section 1412
18 of the Public Health Service Act (42 U.S.C. 300g-
19 1), the regulation under this subsection shall require
20 that bottled water be subject to requirements no less
21 protective of the public health than those applicable
22 to water provided by public water systems using the
23 treatment technique required by the national pri-
24 mary drinking water regulation.

1 “(4)(A) If the Secretary fails to establish a regulation
2 within the 180-day period described in paragraph (1)(A)
3 or the 1-year period described in paragraph (1)(B) (which-
4 ever is applicable), the national primary drinking water
5 regulation described in subparagraph (A) or (B) of such
6 paragraph (whichever is applicable) shall be considered,
7 as of the date on which the Secretary is required to estab-
8 lish a regulation under such paragraph, as the regulation
9 applicable under this subsection to bottled water.

10 “(B) Not later than 30 days after the end of the 180-
11 day period, or the 1-year period (whichever is applicable),
12 described in subparagraph (A) or (B) of paragraph (1),
13 the Secretary shall, with respect to a national primary
14 drinking water regulation that is considered applicable to
15 bottled water as provided in subparagraph (A), publish a
16 notice in the Federal Register that—

17 “(i) sets forth the requirements of the national
18 primary drinking water regulation, including mon-
19 itoring requirements, which shall be applicable to
20 bottled water; and

21 “(ii) provides that—

22 “(I) in the case of a national primary
23 drinking water regulation promulgated after the
24 date of enactment of the Bottled Water Stand-
25 ards Act of 1995, the requirements shall take

1 effect on the date on which the national pri-
2 mary drinking water regulation for the contami-
3 nant takes effect under section 1412 of the
4 Public Health Service Act (42 U.S.C. 300g-1);
5 or

6 “(II) in the case of a national primary
7 drinking water regulation promulgated before
8 the enactment of the Bottled Water Standards
9 Act of 1995, the requirements shall take effect
10 on the date that is 18 months after the date of
11 the enactment of the Bottled Water Standards
12 Act of 1995.”.

○