



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
WATER

Margaret M. Dotzel
Acting Associate Commissioner for Policy
Food and Drug Administration (HF-22)
5600 Fishers Lane
Rockville MD 20857

Dear Ms. Dotzel:

On February 22, 2000, the Food and Drug Administration (FDA) published a notice soliciting comments on its draft study titled "Feasibility of Appropriate Methods of Informing Consumers of the Contents of Bottled Water." In section 114(b) of the Safe Drinking Water Act Amendments of 1996, Congress required FDA, in consultation with the Environmental Protection Agency (EPA), to publish this study. Section 114 also required EPA to develop regulations requiring annual water quality reports (consumer confidence reports) by community drinking water suppliers. EPA published its regulations in August 1998. EPA offers the following comments on FDA's draft study, based upon the Agency's work in developing and implementing those regulations.

FDA has identified feasible methods for reporting basic water quality information, and EPA believes that FDA should move forward to require this reporting. EPA strongly supports Americans' right to know about the source and quality of the water that they drink, whether that water flows from household taps or comes packaged in plastic bottles. This knowledge gives consumers the power to make informed choices that protect their health and the environment. The Federal Food, Drug, and Cosmetic Act requires FDA to promulgate regulations for bottled water quality that are as protective of public health as EPA's rules for tap water. Given that EPA and FDA are equally required to ensure the safety of the water people drink, EPA believes that EPA and FDA water quality reporting requirements should also be consistent. Consumers need similar information on levels of detected regulated contaminants (if any) in tap water and bottled water so that they can easily compare the quality of each type of water. This is especially true for consumers with special health needs.

We believe that it is both feasible and appropriate to include a table of essential water quality information (i.e., the level of each detected regulated contaminant and FDA's allowable level for that contaminant) on the bottle's label itself so that the information would be immediately and easily available to all consumers of the product. We believe that labels could accommodate this information despite the space limitations on some bottles. Our anecdotal evidence from consumer confidence reports in California shows that small ground water systems

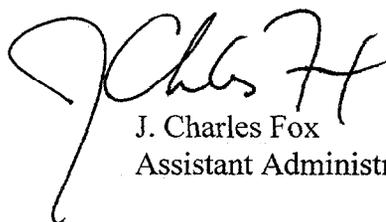
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reported only about six contaminants in their annual water quality reports. We would expect bottled water to contain even fewer detected contaminants, given its treatment and sources. Other information not directly related to the quality of the bottled water could be made available on the label or upon request via a call center or web site.

EPA believes that, in requiring this study, Congress intended for FDA to take regulatory action if FDA found feasible methods for informing customers about the contents of bottled water. We believe that FDA has identified feasible methods, and that FDA should proceed with regulatory action. Please contact me if you wish to discuss this, or have your staff call Cynthia Dougherty, Director, Office of Ground Water and Drinking Water, at 202-260-5543.

Sincerely,

A handwritten signature in black ink, appearing to read "J Charles Fox". The signature is stylized with a large initial "J" and a long, sweeping underline that extends to the left.

J. Charles Fox
Assistant Administrator