

HOUSE BILL 998

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By: **Delegates Taylor, Barnes, Carr, Feldman, Hucker, Kaiser, McConkey, Reznik, and F. Turner**

Introduced and read first time: February 7, 2008

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Bottled Water Facilities – Consumer Confidence Reports**

3 FOR the purpose of requiring certain facilities in the State that produce bottled water
4 for drinking to prepare a certain report; requiring a certain report to be filed
5 with the Department of Health and Mental Hygiene on or before a certain date
6 each year and made available for public inspection; authorizing certain facilities
7 to use a certain report required under a certain federal law if the water bottled
8 in the facility comes from a community water system; requiring a certain report
9 to contain certain information; requiring the Department to adopt certain
10 regulations; and generally relating to consumer confidence reports and bottled
11 water facilities.

12 BY adding to

13 Article – Health – General

14 Section 21–336.2

15 Annotated Code of Maryland

16 (2005 Replacement Volume and 2007 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Health – General**

20 **21–336.2.**

21 (A) (1) EACH FACILITY IN THE STATE THAT PRODUCES BOTTLED
22 WATER FOR DRINKING SHALL PREPARE A CONSUMER CONFIDENCE REPORT.

23 (2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS
24 SUBSECTION SHALL:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (I) BE FILED WITH THE DEPARTMENT ON OR BEFORE JULY
2 1 EACH YEAR; AND

3 (II) BE MADE AVAILABLE FOR PUBLIC INSPECTION.

4 (B) IF THE BOTTLED WATER PRODUCED BY A FACILITY COMES FROM A
5 COMMUNITY WATER SYSTEM, THE FACILITY MAY USE THE RELEVANT
6 INFORMATION FROM THE CONSUMER CONFIDENCE REPORT REQUIRED BY
7 FEDERAL REGULATIONS (40 C.F.R. 141.151 THROUGH 141.155).

8 (C) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE
9 CONSUMER CONFIDENCE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS
10 SECTION SHALL INCLUDE:

11 (1) THE SOURCE OF THE BOTTLED WATER, CONSISTENT WITH
12 APPLICABLE STATE AND FEDERAL REGULATIONS;

13 (2) A BRIEF AND PLAINLY WORDED DEFINITION OF THE TERMS
14 "STATEMENT OF QUALITY", "MAXIMUM CONTAMINANT LEVEL", "PRIMARY
15 DRINKING WATER STANDARD", AND "PUBLIC HEALTH GOAL";

16 (3) A BRIEF DESCRIPTION OF THE TREATMENT PROCESS;

17 (4) A REFERENCE TO THE UNITED STATES FOOD AND DRUG
18 ADMINISTRATION WEBSITE THAT PROVIDES PRODUCT RECALL INFORMATION;

19 (5) THE FACILITY'S ADDRESS AND TELEPHONE NUMBER THAT
20 ENABLES CUSTOMERS TO OBTAIN FURTHER INFORMATION CONCERNING
21 CONTAMINANTS AND POTENTIAL HEALTH EFFECTS;

22 (6) INFORMATION ON THE LEVELS OF UNREGULATED
23 SUBSTANCES, IF ANY, FOR WHICH WATER BOTTLERS ARE REQUIRED TO
24 MONITOR UNDER STATE OR FEDERAL LAW OR REGULATION;

25 (7) A FULL DISCLOSURE OF ANY EXEMPTION OR VARIANCE THAT
26 HAS BEEN GRANTED TO THE BOTTLER BY THE DEPARTMENT, INCLUDING AN
27 EXPLANATION OF REASONS FOR EACH EXEMPTION OR VARIANCE AND THE DATE
28 OF THE EXEMPTION OR VARIANCE; AND

29 (8) THE FOLLOWING STATEMENTS:

30 (I) "DRINKING WATER, INCLUDING BOTTLED WATER, MAY
31 REASONABLY BE EXPECTED TO CONTAIN AT LEAST SMALL AMOUNTS OF SOME

1 CONTAMINANTS. THE PRESENCE OF CONTAMINANTS DOES NOT NECESSARILY
2 INDICATE THAT WATER POSES A HEALTH RISK. MORE INFORMATION ABOUT
3 CONTAMINANTS AND POTENTIAL HEALTH EFFECTS CAN BE OBTAINED BY
4 CALLING THE UNITED STATES FOOD AND DRUG ADMINISTRATION, FOOD AND
5 COSMETIC HOTLINE (1-888-723-3366).”;

6 (II) “SOME PERSONS MAY BE MORE VULNERABLE TO
7 CONTAMINANTS IN DRINKING WATER THAN THE GENERAL POPULATION.
8 IMMUNO-COMPROMISED PERSONS, INCLUDING PERSONS WITH CANCER WHO
9 ARE UNDERGOING CHEMOTHERAPY, PERSONS WHO HAVE UNDERGONE ORGAN
10 TRANSPLANTS, PERSONS WITH HIV/AIDS OR OTHER IMMUNE SYSTEM
11 DISORDERS, SOME ELDERLY PERSONS, AND INFANTS CAN BE PARTICULARLY AT
12 RISK FROM INFECTIONS. THESE PERSONS OR THEIR CARETAKERS SHOULD
13 SEEK ADVICE ABOUT DRINKING WATER FROM HEALTH CARE PROVIDERS. THE
14 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE CENTERS
15 FOR DISEASE CONTROL AND PREVENTION GUIDELINES ON APPROPRIATE
16 MEANS TO LESSEN THE RISK OF INFECTION BY CRYPTOSPORIDIUM AND OTHER
17 MICROBIAL CONTAMINANTS ARE AVAILABLE FROM THE SAFE DRINKING WATER
18 HOTLINE (1-800-426-4791).”;

19 (III) “THE SOURCES OF BOTTLED WATER INCLUDE RIVERS,
20 LAKES, STREAMS, PONDS, RESERVOIRS, SPRINGS, AND WELLS. AS WATER
21 NATURALLY TRAVELS OVER THE SURFACE OF THE LAND OR THROUGH THE
22 GROUND, IT CAN PICK UP NATURALLY OCCURRING SUBSTANCES AND
23 SUBSTANCES THAT ARE PRESENT DUE TO ANIMAL AND HUMAN ACTIVITY. THE
24 FOLLOWING SUBSTANCES MAY BE PRESENT IN THE SOURCE WATER:

25 1. INORGANIC SUBSTANCES, INCLUDING SALTS AND
26 METALS, THAT CAN BE NATURALLY OCCURRING OR RESULT FROM FARMING,
27 URBAN STORMWATER RUNOFF, INDUSTRIAL OR DOMESTIC WASTEWATER
28 DISCHARGES, OR OIL AND GAS PRODUCTION;

29 2. PESTICIDES AND HERBICIDES THAT MAY
30 ORIGINATE FROM A VARIETY OF SOURCES, INCLUDING AGRICULTURE, URBAN
31 STORMWATER RUNOFF, AND RESIDENTIAL USES;

32 3. ORGANIC SUBSTANCES THAT ARE BYPRODUCTS
33 OF INDUSTRIAL PROCESSES AND PETROLEUM PRODUCTION AND CAN ALSO
34 ORIGINATE FROM GAS STATIONS, URBAN STORMWATER RUNOFF,
35 AGRICULTURAL APPLICATION, AND SEPTIC SYSTEMS;

36 4. MICROBIAL ORGANISMS THAT MAY ORIGINATE
37 FROM WILDLIFE, AGRICULTURAL LIVESTOCK OPERATIONS, SEWAGE
38 TREATMENT PLANTS, AND SEPTIC SYSTEMS; OR

1 **5. SUBSTANCES WITH RADIOACTIVE PROPERTIES**
2 **THAT CAN BE NATURALLY OCCURRING OR BE THE RESULT OF OIL AND GAS**
3 **PRODUCTION AND MINING ACTIVITIES.”;**

4 **(IV) “IN ORDER TO ENSURE THAT BOTTLED WATER IS SAFE**
5 **TO DRINK, THE UNITED STATES FOOD AND DRUG ADMINISTRATION AND THE**
6 **STATE DEPARTMENT OF HEALTH AND MENTAL HYGIENE PRESCRIBE**
7 **REGULATIONS THAT LIMIT THE AMOUNT OF CERTAIN CONTAMINANTS IN WATER**
8 **PROVIDED BY BOTTLED WATER COMPANIES.”; AND**

9 **(V) 1. IF A FACILITY FINDS NITRATE (NO3) LEVELS**
10 **ABOVE 23 PPM BUT BELOW 45 PPM (THE MAXIMUM CONTAMINANT LEVEL FOR**
11 **NITRATE (NO3)): “NITRATE IN DRINKING WATER AT LEVELS ABOVE 45 MG/L IS**
12 **A HEALTH RISK FOR INFANTS OF LESS THAN 6 MONTHS OF AGE. THESE NITRATE**
13 **LEVELS IN DRINKING WATER CAN INTERFERE WITH THE CAPACITY OF THE**
14 **INFANT’S BLOOD TO CARRY OXYGEN, RESULTING IN A SERIOUS ILLNESS.**
15 **SYMPTOMS INCLUDE SHORTNESS OF BREATH AND BLUENESS OF THE SKIN.**
16 **NITRATE LEVELS ABOVE 45 MG/L MAY ALSO AFFECT THE ABILITY OF THE**
17 **BLOOD TO CARRY OXYGEN IN OTHER INDIVIDUALS, INCLUDING, BUT NOT**
18 **LIMITED TO, PREGNANT WOMEN AND THOSE WITH CERTAIN SPECIFIC ENZYME**
19 **DEFICIENCIES. IF YOU ARE CARING FOR AN INFANT OR YOU ARE PREGNANT,**
20 **YOU SHOULD ASK ADVICE FROM YOUR HEALTH CARE PROVIDER.”; OR**

21 **2. IF A FACILITY FINDS ARSENIC LEVELS ABOVE 5**
22 **PPB, BUT BELOW 10 PPB (THE MAXIMUM CONTAMINANT LEVEL FOR ARSENIC):**
23 **“ARSENIC LEVELS ABOVE 5 PPB AND UP TO 10 PPB ARE PRESENT IN YOUR**
24 **DRINKING WATER. WHILE YOUR DRINKING WATER MEETS THE CURRENT EPA**
25 **STANDARD FOR ARSENIC, IT DOES CONTAIN LOW LEVELS OF ARSENIC. THE**
26 **STANDARD BALANCES THE CURRENT UNDERSTANDING OF ARSENIC’S POSSIBLE**
27 **HEALTH EFFECTS AGAINST THE COSTS OF REMOVING ARSENIC FROM DRINKING**
28 **WATER. THE STATE DEPARTMENT OF HEALTH AND MENTAL HYGIENE**
29 **CONTINUES TO RESEARCH THE HEALTH EFFECTS OF LOW LEVELS OF ARSENIC,**
30 **WHICH IS A MINERAL KNOWN TO CAUSE CANCER IN HUMANS AT HIGH**
31 **CONCENTRATIONS AND IS LINKED TO OTHER HEALTH EFFECTS, INCLUDING**
32 **SKIN DAMAGE AND CIRCULATORY PROBLEMS.”.**

33 **(D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE**
34 **PROVISIONS OF THIS SECTION.**

35 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
36 **October 1, 2008.**