

# Bottled water all set to help, not hurt, tap water purveyors

**W**hen you think about it, what good is bottled water? If there's a bottler in our town, he's probably just pouring your product into a bottle, maybe doing a little reverse osmosis, and then marking it up a few thousand percent. On top of that, in order to make their product worth the price, all purveyors of bottled water have to imply – or say out loud – that tap water is immoral, illegal and fattening.

## **WATER Act**

But wait. In the ultimate of ironies, Congress may be asked to make bottled water (along with soda pop and all the other flavored drinks to which so many Americans are addicted) useful after all.

The proposed Water Assistance Trust and Environmental Restoration Act (WATER Act,) would authorize \$10 billion annually from 2006 through 2010 for a trust fund.

The latest draft we've seen would allocate \$5 billion a year for clean water matching grants and loans, \$4 billion a year for drinking water matching grants and loans, \$300 million for grants to support technology research and development programs (including establishing a utility management research center and providing technical assistance to small and rural systems), \$250 million for programs to improve fishery ecosystems, \$200 million for improving control of nonpoint sources of water pollution and \$250 million for programs to improve specified regional waterways such as the Great Lakes and the Chesapeake Bay.

But how, in this time of budget stringency, would it be funded?

Hold onto your hats. The money would come almost entirely from a tax on soft drinks, alcohol, fruit-flavored drinks – and bottled water.

At last report there was some difference of opinion as to whether there should be a nickel-a-bottle charge (collecting an estimated \$7 billion a year) or a 6.6% fee (\$8 billion). There is, however, a consensus that the money would not be collected on milk, medicinal products, infant formula or 100% fruit juices.



*Bottled water before the well-head?*

The bill has been circulated to members of the Water Infrastructure Network, a coalition of water, municipal and environmental groups that lobby in favor of

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**The proposed Water Assistance Trust and Environmental Restoration Act (WATER Act,) would authorize \$10 billion annually from 2006 through 2010 for a trust fund.**

The muscle behind the WATER Act isn't the National Rural Water Association or even the American Water Works Association, but the Association of Metropolitan Sewerage Agencies (AMSA), backed by environmental groups and others with a stake in clean water.

Other mainstream bodies, such as the American Society of Civil Engineers, also support the concept.

increasing infrastructure funding – though, surprisingly, not all its members support the measure.

## **Chances of passage**

Worse yet, the beverage companies whose products would be taxed aren't on board. They weren't consulted in drafting of the WATER Act, and it's a safe bet they wouldn't support it. Besides, they're

overseen by a totally different Congressional committee.

Which committee has jurisdiction is relevant for another reason. The two committees that would have to act if the bill is to go anywhere – the House Transportation and Infrastructure Committee and the Senate Committee on Environment and Public Works – have jurisdiction over both transportation and water funding bills.

This year, Congress is focused on passing a surface transportation bill, with Missouri’s Sen. Kit Bond pushing especially hard for one. That will, at a minimum, delay efforts to pass water infrastructure funding legislation this year.

“Transportation is our number one priority,” an Environment and Public Works spokesman said. Added a House counterpart: “The highway bill is the 500-pound gorilla in our lives, and until we get that passed, there won’t be action on water infrastructure.”

Besides, even if they have the time, after throwing money at highway infrastructure, Senators and House members are considered unlikely to look at water infrastructure in the same

tax levies. But unlike individual taxpayers, big industries most assuredly have lobbyists to tend to their needs. No question the WATER Act is a high-minded bill that would benefit virtually all

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session – no matter where the funds may come from.

But let’s face reality. This bill has been crafted without input from the people who would be most directly affected: the folks who bottle water and soda pop and sour-mash bourbon.

**Sorry, Toto**

“Consent of the governed” may be largely metaphorical when it comes to, say, personal income

Americans. But if the bottlers don’t go along, it ain’t gonna happen.

The WATER Act is highly unlikely to pass. Bottled water will continue to do its darnedest to make the public think ill of tap water, with no countervailing tax or fee to produce benefits for public water systems.

But didn’t it make you feel good to think about it, if only for a few minutes?

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## What's in that bottle? by Scott Hooper

Just over a decade ago, the Kansas Department of Health and Environment conducted a study of bottled water, even though as a rule state water agencies only have jurisdiction over tap water.

Of the 80 samples collected between March 21 and May 22, 1994, from retail stores and manufacturers across the state, nine contained contaminants in violation of federal limits, though the results weren't made public until 14 months after the tests were run, after prodding by KRWA.

You may recall the article on the topic in the June 1995 edition of *The Kansas Lifeline*.

Compare that to what happens when a municipality or rural water district sends a sample to the lab and it comes back with amounts of some contaminant – mercury or thallium or chromium, perhaps – that's in excess of what EPA allows.

Since heavy metals have been determined to be a health hazard, the lab's finding must immediately be made public. The offending water system is



required to notify all of its customers, and then it's put on a more frequent schedule of testing.

In the meantime, in the interest of public health and safety, the system's customers are told that it might be a good idea to drink bottled water for a while.

But what if that bottled water contains the same contaminants – or worse?

Since bottled water isn't held to the same standards as drinking water that comes out of the tap, it's hard for a consumer to know what's in those trendy plastic bottles. At least 15% of the bottled water in KDHE's study contained cancer-causing chemicals in amounts that exceed federal standards.

### EPA vs. FDA

The contrast between how KDHE treats water that comes

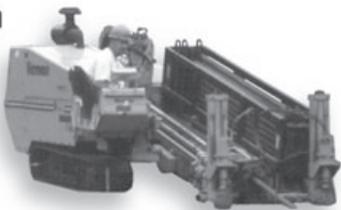
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from the grocery store vs. the tap reflects differences between the way the Environmental Protection Agency regulates public drinking water supplies and the Food and Drug Administration regulates bottled water.

On paper, both sets of standards are just about the same. If EPA adds a new compound to its prohibited list, FDA before long will get around to adding it to the bottled-water list. But after that point, the two agencies diverge widely.

Information about contaminants in public water systems comes from certified labs and is immediately made public by KDHE or its counterpart (everywhere but in Wyoming, the only state that doesn't claim primacy in water regulation and leaves the job to EPA).

Information about contaminants in bottled water is determined by private labs. And it's *not* made public.

"The point is that as a matter of quality control, the testing and reporting regimen required of all public water supply systems is very rigorous," said Karl Mueldener, director of KDHE's Bureau of Water.

"As an engineer, the curious thing to me is that many bottled waters begin as tap water from a public water system.

"In water treatment, engineers need to rely on

treatment processes, good operation and monitoring to provide barriers against contamination," Mueldener added. "Public systems are required to regularly analyze drinking water for 123 different compounds. Additionally, public supplies must inform their customers if there is any problem, or even if the monitoring doesn't occur on time.

"The requirements for bottled water are not as rigorous."

(A spokesman for the International Bottled Water Association said at the time that standards for bottled water were every bit as rigorous as for tap water. Yeah, right.)

### No monitoring

The testing intervals for bottlers – once a week for biologicals, once a year for chemicals – are about the same as for many municipalities and RWDs, but no one routinely monitors bottlers' results. Producers of bottled water must test the source water and the bottled product, and they must keep the test results on file for two years. Yet outsiders rarely look at them. Not the FDA. And for the most part, not the state health department either.

Not that they don't have access to the data. They simply don't ask.



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