SENATE BILL REPORT

SHB 2747

AS REPORTED BY COMMITTEE ON AGRICULTURE & WATER RESOURCES, FEBRUARY 27, 1992

Brief Description: Regulating bottled water.

SPONSORS: House Committee on Agriculture & Rural Development (originally sponsored by Representatives Fraser, McLean, Valle, Miller, Rayburn, Edmondson, Winsley, Scott, Basich and Jacobsen)

HOUSE COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT

SENATE COMMITTEE ON AGRICULTURE & WATER RESOURCES

Majority Report: Do pass as amended.
Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, and W. Hansen.

Staff: Bob Lee (786-7404)

Hearing Dates: February 20, 1992; February 27, 1992

BACKGROUND:

Currently, the Department of Agriculture licenses bottled water plants in this state under the Food Processing Act. The Food Processing Act is enforced by the Department of Agriculture by civil fines not to exceed $ 1,000 per day. The department may also take action to suspend or revoke licenses for noncompliance.

Bottled water and other drinks are also subject to regulation under the state Food, Drug and Cosmetic Act administered by the Department of Agriculture.

Currently, there are no definitions in state law for uniform labeling of various types of bottled water. The International Bottled Water Association has prepared a model bottle water regulation which contains a number of standard definitions and requirements for various types of bottled water.

The Department of Health currently administers standards for the quality of water delivered by public water systems.

The state's Consumer Protection Act declares unfair methods of competition and unfair or deceptive acts or practices in the conduct of commerce to be unlawful. The act authorizes the court to order the restoration of money or property. The act permits the court to award attorneys' fees and treble damages. The act also authorizes the imposition of civil penalties.

SUMMARY:

Definitions are established for a number of types of bottled water including artesian water, carbonated water, distilled water, mineral water, spring water, purified water. Natural water is defined to exclude water that is derived from a municipal or public water system.

All bottled water produced in the state must conform with the above definitions. The labeling requirements shall not apply to retail vendors who sell bottled water if they did not label or participated in the labeling of the bottle water.

Operators of bottled water plants are required to notify the Department of Health if they believe that a contaminant may be present that would create a potential health hazard.

Violations of this act shall be considered as an unfair or deceptive act for the purposes of applying the Consumer Protection Act.

Appropriation: none

Revenue: none

Fiscal Note: available

SUMMARY OF PROPOSED SENATE AMENDMENT:

The reference to the Consumer Protection Act has been deleted and a new section has been added which amends RCW 69.07 and adds bottled water to the Food Processing Act which is regulated and enforced by the Department of Agriculture. The exclusion for retailers has been deleted as unnecessary given the RCW 69.07 amendment. Similarly, the typeface size requirement has also been deleted. Two definitions have been changed: drinking water now can mean water which meets applicable federal and state standards, and natural water now requires that no significant alteration takes place to the water.

TESTIMONY FOR:

The bill is needed to adequately apprise the public of the product they are purchasing. Also in order to provide for a "level playing field" all bottlers should be required to honestly label their products.

TESTIMONY AGAINST:

Wholesalers should not be responsible for the mislabeling of a product by a bottler. The Consumer Protection Act reference is an inappropriate enforcement mechanism.

TESTIFIED: Allen Bechtel, Pure Water Corp. (pro); Verne Hedlund, Wash. Dept. Agric. (pro); Melissa Prindle, West Coast Grocery Co., McLane NW; Jim Boldt, lobbyist; Jim Wagner; Dan Coyne