

104TH CONGRESS
1ST SESSION

H. R. 2601

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 1995

Mr. BILBRAY introduced the following bill; which was referred to the Committee on Commerce

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 “(C) A regulation issued by the Secretary pursuant
2 to subparagraph (A) shall take effect on the date on which
3 the final regulation of the maximum contaminant level for
4 that contaminant takes effect.

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

8 “(3) The regulation shall require that, in the case of
9 contaminants for which a maximum contaminant level is
10 established in a national primary drinking water regula-
11 tion under section 1412 of the Public Health Service Act
12 (42 U.S.C. 300g-1), the regulation under this subsection
13 shall establish a maximum contaminant level for the con-
14 taminant in bottled water that provides protection of pub-
15 lic health equivalent to the maximum contaminant level
16 provided in the national primary drinking water regula-
17 tion.

18 “(4)(A) If the Secretary fails to establish a regulation
19 within the 180-day period described in paragraph (1)(A)
20 or the 1-year period described in paragraph (1)(B) (which-
21 ever is applicable), the national primary drinking water
22 regulation described in subparagraph (A) or (B) of such
23 paragraph (whichever is applicable) shall be considered,
24 as of the date on which the Secretary is required to estab-

1 lish a regulation under such paragraph, as the regulation
2 applicable under this subsection to bottled water.

3 “(B) Not later than 30 days after the end of the 180-
4 day period, or the 1-year period (whichever is applicable),
5 described in subparagraph (A) or (B) of paragraph (1)
6 the Secretary shall, with respect to a national primary
7 drinking water regulation that is considered applicable to
8 bottled water as provided in subparagraph (A), publish a
9 notice in the Federal Register that—

10 “(i) sets forth the requirements of the national
11 primary drinking water regulation, including mon-
12 itoring requirements, which shall be applicable to
13 bottled water; and

14 “(ii) provides that—

15 “(I) in the case of a national primary
16 drinking water regulation promulgated after the
17 date of enactment of the Bottled Water Stand-
18 ards Act of 1995, the requirements shall take
19 effect on the date on which the national pri-
20 mary drinking water regulation for the contami-
21 nant takes effect under section 1412 of the
22 Public Health Service Act (42 U.S.C. 300g-1);
23 or

24 “(II) in the case of a national primary
25 drinking water regulation promulgated before

1 the enactment of the Bottled Water Standards
2 Act of 1995, the requirements shall take effect
3 on the date that is 18 months after the date of
4 the enactment of the Bottled Water Standards
5 Act of 1995.”.

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