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SENATE

Senate Bill No. 469

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The Constitution, Article 16, Section 9 provides:

“The State shall protect consumers from trade malpractices and from substandard or hazardous products.”

Consumption of bottled water has increased markedly in recent years, with thousands of households currently consuming bottled drinking water as their source of drinking water.

Consumers are paying premium prices for bottled water based on the assumption that it is of superior quality to their tap water.

Unfortunately, bottled water sold in the country is left unregulated. This, certainly, is a cause of concern, as there exists a possibility that the bottled water sold in the market is not of superior quality as claimed.

The purpose of this bill is to establish quality standards for mineral and, carbonated and other bottled water, hence, immediate approval hereof is earnestly solicited.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
ESTABLISHING QUALITY STANDARDS FOR MINERAL, CARBONATED AND
OTHER BOTTLED WATER

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Short Title. - This Act shall be known as the **“Safe Bottled Water Act.”**

SEC. 2. Definitions. - For the purpose of this Act:

- 1) The term “Director” means the Director of the Bureau of Food and Drugs;
- 2) The term “Secretary” means the Secretary of the Department of Health.

SEC. 3. National Primary Drinking Water Regulations for Bottled Water. -

(A) (1) When the Director promulgates interim or revised national primary drinking water regulations concerning maximum contaminants levels, such regulations shall be applicable to all bottled drinking waters, including mineral, spring, natural sparkling water and vended water.

(2) Not later than twelve (12) months after the date of enactment of this section, the Secretary shall establish quality standards and definitions for mineral water and carbonated water which include -

- a) limits for total dissolved solids, sulfate, sodium and trihalomethane content;
- b) the Secretary shall insure that standards for mineral water and carbonated beverages meet all established health-based drinking water standards.

(B) **Source Protection.** - Not later than twelve (12) months after the date of enactment of this section, the Director shall -

- 1) define 'approved sources' of bottled water;
- 2) establish criteria to determine the adequacy as well as the protection of 'approved sources' of bottled water including but not limited to -
 - a) minimum well construction standards;
 - b) minimum distance separation from upstream wastewater discharges;
 - c) minimum distance separations from abandoned wells, septic tanks, waste impoundment and landfills.

(C) *Monitoring, Reporting and Inspection.* - Not later than twelve (12) months after the date of enactment of this Act, the Director shall -

- 1) establish a bottled water monitoring program which at a minimum-
 - a) is as stringent as that used for public water supplies and provides for yearly testing and monitoring for unregulated contaminants for which public water utilities must test, and
 - b) requires that any analyses or testing be performed in an approved and certified laboratory.
- 2) establish a bottled water reporting program that includes -
 - a) time tables and procedures for timely reporting;
 - b) provide public notification procedures should a bottled water be found to be in exceed of health based standards;
 - c) establish a national registry of bottled water facilities and their most current reporting information, and
 - d) require that records of sampling and analysis be maintained at the plant for not less that two (2) years and shall be available for official review upon request,
- 3) establish a bottled water facility inspection program which includes at a minimum two scheduled inspections a year and one unscheduled inspection a year.

(D) *Recall Regulations.* - Not later than six (6) months after the date of enactment of this Act, the Director shall -

- 1) establish procedures and public notification guidelines for recall of a bottled water product if exceed of any health based standards occurs.
- 2) Require each bottled water to develop and submit individual recall notification and recall procedures.

(E) *Prohibition of Dual Use of Bottled Water Equipment.* - Not later than twelve (12) months after the date of enactment of this Act, the Director shall prohibit the processing and bottling of non-carbonated water with equipment used to process milk, fruit juice or other food products likely to contribute nutrients for microbiological growth.

(F) *Bottling, Packaging and Storage Study.* - The Director shall conduct a comprehensive study of contaminants and the extent to which they contribute to the degradation of bottled water from the unique processing and storage of bottled water. The Director shall pay particular attention to contamination problems which may arise from the bottling, packaging or storage of bottled water products.

SEC. 4. Labeling. - Not later than six (6) months after the date of enactment of this Act, the Secretary shall –

- 1) establish and enforce clear, concise, and un-coded uniform source labeling requirements for all bottled water products which at a minimum includes-
 - a) the original source of the water;
 - b) type of water;
 - c) type of treatment, if any;
 - d) the date of bottling;
 - e) the address of the bottler; and
 - f) provide numerical specification of sodium content.
- 2) define mineral water, spring water, naturally carbonated, naturally sparkling, well water, natural well water, artesian water, natural artesian water, purified water, distilled water, drinking water, and require that the definition for the appropriate product be placed on the bottle.

SEC. 5. Authorization of Funding. - There are hereby authorized to be appropriated to the Department of Health and Bureau of Food and Drugs, such sums as may be necessary to carry out the purposes of this Act.

SEC. 6. Separability Clause. - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 7. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rules or regulations contrary to or inconsistent with the provision of this Act is hereby repealed, modified or amended accordingly.

SEC. 8. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,