



May 19, 2021

The Honorable Janet Woodcock
Acting Commissioner
U.S. Food and Drug Administration
10903 New Hampshire Ave
Silver Spring, MD 20993-0002

Dear Acting Commissioner Woodcock:

We urge the U.S. Food and Drug Administration (FDA) to promulgate Standards of Quality (SOQ) for per- and polyfluoroalkyl substances (PFAS) in bottled water to provide consumers; federal, state, and local governments; and emergency relief personnel further assurance that bottled water products are safe for everyday use and in times of need when tap water is compromised.

As you know, PFAS are a class of manmade chemicals known to cause harm to human health and our environment. Common PFAS chemicals bioaccumulate in our bodies over time and have been linked to cancer, thyroid disease, liver damage, decreased fertility, and hormone disruption. First developed in the 1940s, PFAS are used across industries in many products, including some food packaging (but not bottled water packaging), nonstick pans, carpeting, and firefighting foam. These chemicals have grease-, water-, and oil-repellent properties but are extremely persistent in the environment. As a result, they have become ubiquitous, contaminating municipal water sources in communities across the country.

Despite the clear and present danger PFAS exposure presents, there are no enforceable limits on these substances in drinking water in the United States. Instead, the Environmental Protection Agency (EPA) currently has established a "Drinking Water Health Advisory Level" for PFAS of 70 parts per trillion (ppt) in public drinking water (i.e., tap water). In addition, EPA has recently announced that it is moving forward with a drinking water regulation that would establish a Maximum Contaminant Level (MCL) for two PFAS chemicals: perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA). While this is good news, final EPA action on an MCL for drinking water could take several years.

Bottled water is a food product and thus regulated by FDA. By federal law, FDA regulations governing the safety and quality of bottled water must be as protective of the public health as the EPA regulations that govern tap water. Although FDA traditionally waits for EPA to issue an MCL for drinking water before issuing an SOQ for bottled water, we urge you to establish an SOQ for bottled water in advance of any EPA action on drinking water.

In the absence of FDA regulations for PFAS in bottled water products or EPA regulations for tap water, several states have established their own PFAS rules for drinking water. However, states have not regulated PFAS in bottled water, as such, there is a need for FDA to step in. We believe it is critical for FDA to issue an SOQ for bottled water that includes the 29 PFAS compounds listed in EPA's proposed rule (EPA-HQ-OW-2020-0530) revising the Unregulated Contaminant Monitoring Rule (UCMR 5) to help ensure consistent regulation of bottled water products sold throughout the United States.

Regarding the proper limit, the International Bottled Water Association (IBWA) requires its members to test for PFAS and set a limit of 5 ppt for one PFAS compound and 10 ppt for any combination of PFAS compounds in their products. IBWA's standards show that getting to low levels of PFAS in bottled water is achievable and affordable. However, consumers can't be expected to know which bottled water brands are IBWA members and meet this standard. A national FDA SOQ will ensure that all consumers have access to safe drinking water. In addition to IBWA's efforts, environmental and consumer rights groups have called for no measurable level.

Given the widespread persistence of PFAS in our environment and drinking water, many people have turned to bottled water to avoid adding toxic chemicals to their bodies. Establishing an SOQ for bottled water is an important step that will help ensure consumer confidence and protect public health. We urge FDA to act expeditiously to tackle this critical public health issue and establish standards based on the best available science and allow for periodic review.

Thank you for your consideration, and we look forward to your response.

Sincerely,

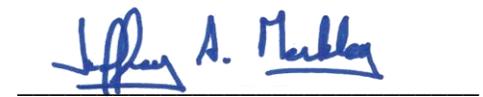

RICHARD BLUMENTHAL
United States Senate

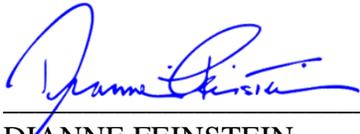

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