

Communication from Public

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Comments for Public Posting: Attached please find comments from the International Bottled Water Association (IBWA) and the California Bottled Water Association (CBWA) in opposition to File 19-0480-S1 and File 18-0652. Please contact me should you have any questions. James P . Toner, Jr. Director of Government Relations International Bottled Water Association 703.647.4616 jtoner@bottledwater.org



September 3, 2019

Energy, Climate Change and Environmental Justice Committee
Los Angeles City Council
City Hall
200 North Spring Street
Los Angeles, CA 90012

RE: IBWA and CBWA Opposition to File 19-480-S1 and File 18-0652

The California Bottled Water Association (CBWA)¹ and the International Bottled Water Association (IBWA)² appreciate this opportunity to provide comments to the Energy, Climate Change and Environmental Justice Committee of the Los Angeles City Council regarding potential proposals to ban the purchase and sale of single-use PET plastic bottled water containers at city-owned properties, on city property, and at city-sponsored events (19-0480-S1), impose a minimum recycled content mandate of 75% for all beverage containers, and require affixed caps on beverage containers (18-0652).

When addressing File 19-0480-S1 on the banning of single-use plastic bottled water, IBWA and CBWA believe that any such proposal is not in the public interest. We urge the Committee to oppose any proposal to ban the purchase or sale of bottled water because:

- efforts to ban or restrict access to bottled water will prevent people from choosing the healthiest packaged beverage;
- it unfairly targets one food product, even though thousands of other foods and beverages use PET plastic in their containers; and,
- bottled water is strictly regulated by the U.S. Food and Drug Administration (FDA) as a food product, making it a safe choice for consumers.

¹ The California Bottled Water Association is the trade association of the bottled water industry in California. CBWA supports its member bottlers, distributors, and vendors by keeping them informed and representing them in matters of government and regulatory legislation, providing them with educational and training opportunities related to the bottled water business, creating an environment of open communications for sharing resources and information and, representing their unified voice in the future development of the bottled water industry.

² The International Bottled Water Association is the trade association representing all segments of the bottled water industry, including spring, artesian, mineral, sparkling, well, groundwater and purified bottled waters. IBWA's mission is to serve the members and the public, by championing bottled water as an important choice for healthy hydration and lifestyle, and promoting an environmentally responsible and sustainable industry. IBWA represents bottled water bottlers, distributors and suppliers throughout the United States, including several small, medium and large size companies doing business in California.

Research shows that when bottled water is removed as a choice, people will turn less-healthy beverages, not necessarily tap water.

Banning the sale of bottled water in plastic containers would have an adverse impact on public health and the environment. The University of Vermont (UVM) experienced unintended and negative consequences as a result of its bottled water sales ban. Students increased their per capita consumption of soda and the amount of waste actually *increased* after the sales ban was in place. In a published research study, the authors wrote: “The results of the research made clear that UVM’s decision to remove bottled water drove our students, faculty, staff, and visitors to purchase more unhealthy sugary drinks (33% increase). At the same time, the number of plastic beverage containers shipped to campus increased by 6%.”

The study, “[The Unintended Consequences of Changes in Beverage Options and the Removal of Bottled Water on a University Campus](#)” published in the July 2015 edition of the American Journal of Public Health (AJPH), shows when bottled water is not available for purchase, people choose other packaged beverages, which may contain sugar, caffeine, and other additives. That is not in the public interest and would cause negative health and environmental consequences.

Making an unfair target of bottled water and beverages sold in plastic containers

There are literally thousands of other food and beverage containers that utilize plastic and they will continue to be part of the Los Angeles waste stream since they are not covered by the proposal. The city is considering options that discriminate against only bottled water and other beverages sold in plastic containers. The bottled water industry, in particular, has taken significant steps and efforts to lower their environmental footprint.

Bottled water containers make up a very small portion of the overall PET packaging used in the U.S. and only a small portion of all PET plastic found in landfills. Even when specifically examining PET plastic bottle waste, bottled water uses significantly less PET than other beverage products packaged in PET plastic, such as soft drinks, juices, and other beverages. Since the request targets only plastic water bottles, it will do very little to reduce the amount of plastic and PET waste that ends up in Los Angeles and other California landfills, on road sides, or on beaches. All other PET plastic packaging, except the amount used in bottled water, is not covered by this proposal.

After the town of Concord, Massachusetts voted in favor of a single-serve plastic water bottle sales ban, the Los Angeles Times published an editorial calling the ban “unnecessarily intrusive and problematically inconsistent.” The editorial went on to state that “A plastic bottle that holds soda is no less damaging to the environment than one that holds water. Why pick on one and not the other? Why force a convenience-seeking customer who forgot his reusable bottle to choose a less-healthy option?”

Bottled water is the healthiest packaged beverage option

Healthy, convenient, and safe, bottled water is America’s #1 packaged drink for the third year in a row, according to the latest data from Beverage Marketing Corporation (BMC). Bottled water sales

increased by 7.3 percent in 2018 and now total \$18.4 billion (wholesale). In 2018, total U.S. bottled water consumption grew by 4.9 percent to 13.8 billion gallons. In addition, per-capita consumption is up 4.3 percent in 2018, with every person in America drinking an average of 42.3 gallons of bottled water last year. BMC also reported that bottled water increased its 'share of stomach' of the overall beverage market from 14.1 percent in 2009 to 24.8 percent in 2018. Carbonated soft drinks hold the second position, with 21.9 percent, reflecting a clear trend of consumers increasingly choosing healthy, convenient, zero-calorie bottled water instead of sugar-sweetened beverages.

The release of the 2015 Dietary Guidelines for Americans (DGA) by the U.S. Department of Health and Human Services (HHS) and U.S. Department of Agriculture (USDA) provide strong support for the important role played by water in Americans' diets, and support the increased access to and availability of water as a healthy beverage choice. In particular, the new DGAs note that calorie-free beverages – especially water – should be the primary beverages consumed. In addition, the 2015 DGAs encourage a shift to healthier food and beverage choices, which “include choosing beverages with no added sugars, such as water, in place of sugar-sweetened beverages....”

The DGAs recommend that Americans significantly reduce their intake of added sugars to no more than 10 percent of daily calories – about one 16-ounce soft drink. So, when it comes to beverages, the smart and healthy move is to choose water first for thirst. Limiting consumption of sugary beverages and drinking more water – including bottled water – is one of the easiest ways to follow the new nutrition advice from America's top scientists. Awareness of water's important and healthy role in American's dietary choices continues to grow. Recognizing the importance of water, the USDA Center for Nutrition Policy and Promotion's *MyPlate MyWins* guide specifically highlights the need to choose water instead of sugary drinks.

The United States, and especially a city like Los Angeles that encourages and offers so much in terms of unique activities, is an on-the-go society that depends on convenience when making food and beverage choices. Ideally, water should be accessible to people everywhere. Much of what people drink comes in a package and as a result, today, almost half of the water people drink comes in a bottle. Encouraging the consumption of water and increasing its availability in all forms, including bottled water, is a smart and direct way to help the citizens of Los Angeles make healthier beverage choices.

Bottled water is safe

Safety and consistency are key reasons consumers choose water, particularly bottled water products. Bottled water is comprehensively regulated by the FDA as a packaged food product and it provides a consistently safe and reliable source of drinking water. By federal law, the FDA regulations governing the safety and quality of bottled water must be at least as protective of the public health as the Environmental Protection Agency (EPA) standards for tap water.

All bottled water products - whether from groundwater or public water sources - are produced utilizing a multi-barrier approach. From source to finished product, a multi-barrier approach helps prevent possible harmful contamination to the finished product as well as storage, production, and transportation equipment. Many of the steps in a multi-barrier system are effective in safeguarding bottled water from microbiological and other contamination. Measures in a multi-barrier approach

may include one or more of the following: source protection, source monitoring, reverse osmosis, distillation, micro-filtration, carbon filtration, ozonation, and ultraviolet (UV) light. The bottled water industry supports a strong and reliable public drinking water system and infrastructure.

Further, bottled water is one of the few food products that must comply with two sets of FDA requirements in addition to the general food Good Manufacturing Practices (GMPs) -- one prescribes bottled water Good Manufacturing Practices, and the other imposes specific bottled water standards of identity and quality. FDA's GMPs for bottled water apply to every aspect of production, from source protection, all the way through processing, to finished water sampling for purity prior to final bottling.

FDA has established standards for more than 90 substances pursuant to the Standard of Quality (SOQ) regulations for bottled water. Most FDA bottled water quality standards are the same as EPA's maximum contaminant levels (MCL) for public water systems. The few differences are usually the result of the substance not being found in bottled water or the substance is regulated under FDA food additives program.

Widespread public concern about lead contamination in public water systems (PWS) has been making headlines throughout the US recently. Bottled water lead standards are very different and more stringent than those applied to a PWS by the EPA. While the FDA imposes a standard of quality of 5 parts per billion (ppb) for lead, EPA sets an "action level" of 15 ppb. And once lead is detected, bottled water is treated much differently. Any single bottle water product that exceeds the established SOQ could result in an automatic recall, significant fines, and criminal penalties. The EPA "action level" only requires a PWS to adhere to mitigation and treatments for the water. It in no way stops the lead-contaminated tap water from being consumed.

Contrary to the proposal's purpose and intent, bottled water containers do not have significant negative impacts on the environment. Recently, the European Union (EU) Parliament noticed as much and, in its recommendations, the EU did not group 100 percent recyclable PET plastic water bottles with the many non-recyclable single-use plastic consumer products available. Instead of banning bottle use, the EU set PET plastic recovery goals.

The bottled water industry helps ensure that our product is there when California needs it

The bottled water industry has always been at the forefront of relief efforts during natural disasters and other catastrophic events. This has been clearly evident over the last year with overwhelming need for water following natural disasters impacting the Gulf Coast, Florida, the Caribbean, and the Pacific Northwest. Clean, safe water is a critical need for citizens and first responders immediately following a natural disaster or other catastrophic event. Unfortunately, the availability of water from public water systems is often compromised in the aftermath of such an event (e.g., hurricanes, floods, wildfires, boil alerts). During these times, bottled water is the best option to deliver clean safe drinking water quickly into affected areas.

It would be a huge disservice to the consumers of bottled water and the citizens of Los Angeles to restrict access to a product that is so important during times of need. The bottled water industry

prides itself on the ability to get water to those in need but this proposal would make it more difficult to get an essential product to those who need it most. IBWA and CBWA members are in fact often the first responders during disasters, personally driving their own trucks filled with water and other relief supplies into affected areas where assistance has not yet arrived. They do so willingly, and they often do so for free.

The bottled water industry would not be able to provide safe, clean drinking water to California citizens when their public water systems are compromised without a viable commercial market. This provides the industry with the capital and resources to respond quickly when needed. The bottled industry cannot, and should not, exist only for disaster responses – something some critics of the bottled water industry desire. We urge the Committee to remember that the bottled water industry is called upon every year to provide drinking water during critical times throughout California, including Los Angeles.

On File 18-0652, IBWA and CBWA are opposed to a recycled content mandate for beverage containers and requiring these containers to have a tethered cap. We urge the Committee to oppose this proposal because:

- bottled water has the lowest environmental footprint of any packaged beverage;
- it forces an unrealistic and unachievable mandate for recycled content use on all beverage containers;
- addition of an affixed or tethered cap to beverage containers would actually require the use of more plastic and fails to address the majority of litter

Bottled water companies are strong environmental stewards

Data compiled by the BMC show that between 2000 and 2014, the average weight of a 16.9-ounce (half-liter) single-serve PET plastic bottled water container has declined 51 percent to 9.25 grams. This has resulted in a savings of 6.2 billion pounds of PET resin since 2000. Some bottled water products now use containers that weigh as little as 7.5 grams. Due to the necessary heavier packaging required for carbonated soft drinks (CSDs) and many other beverages, they are unable to reduce the amount of plastic used for their products as much as bottled water can. For example, in order to maintain their carbonation, bottles for carbonated soft drinks require more plastic in both the bottle and the cap.

In California and nationwide, bottled water manufacturers are leading the way in using recycled content to make new beverage containers. Some bottlers are using 25, 50, 75 and even 100% recycled PET (rPET). The National Association for PET Container Resources (NAPCOR) notes that producing new products from rPET uses 84 percent less energy than what is required to make products from raw virgin materials. It also reduces greenhouse gas emissions.

All bottled water containers are 100 percent recyclable; and of all the plastics produced in the U.S., PET plastic bottled water packaging makes up only 0.92 percent – less than one percent. Moreover, according to data derived from BMC, NAPCOR, and the Container Resource Institute, bottled water containers make up only 3.3 percent of all drink packaging in landfills. And according to NAPCOR, PET plastic bottled water containers are the most frequently recycled PET beverage container in

curbside recycling programs.

Even with continuing growth and increased consumption, bottled water still has the smallest water and energy use footprint of any packaged beverage. The results of a 2014 IBWA benchmarking study show that the amount of water and energy used to produce bottled water products in North America is less than all other types of packaged beverages. On average, only 1.32 liters of water (including the liter of water consumed) and 0.24 mega joules of energy are used to produce one liter of finished bottled water.

Bottled water supports the use of recycled content

The bottled water industry is fully committed to advancing ambitious yet realistic recycled plastic content mandates. The companies that produce and sell bottled water in California are involved in moving the issue of recycled content mandates forward. Within the state, bottled water manufacturers have proven themselves to be superior when it comes to the reuse of PET. The recent reports provided to the California Department of Resources Recycling and Recovery (CalRecycle) as required by AB 2530, show bottled water manufacturers are using more recycled PET (rPET) than most other beverage manufacturers in the state. With some major beverage manufacturers using little to zero recycled content, bottled water once again leads the way on being a groundbreaking and driving force in environmental stewardship.

This proposed 75% recycled content mandate ignores the fact that most beverage manufacturers currently use *zero* recycled content in their bottles. Such an abrupt change in requirements will force *all* food and beverage manufacturers to compete for the existing limited supply of food grade recycled plastic and other materials used to make beverage containers. For recycled PET plastic (rPET) this is especially problematic, as nearly 75% of total available rPET is currently being downgraded into less recycled applications such as fiber, sheet, film, and strapping. Similar issues exist in the recycled HDPE (rHDPE) plastic market. When this happens, the price of recycled plastics will skyrocket to the detriment of consumers and all market stakeholders except the companies that process and sell it.

We strongly believe safeguards that take into account supply and stability must be a central component of any proposal which are not addressed in this proposal. IBWA and CBWA support recycled content mandates so long as they are reasonable, phased in gradually, and accurately account for supply and demand forces in the recycled plastic market. However, it would be impossible for companies to comply with many different recycled content requirements throughout the state. Therefore, the issue of recycled content mandates should be addressed at the state level.

Bottled water strives to use less plastic and focus on overall recycling

By forcing the beverage industry to shift to a cap that is either connected or continuously affixed to a bottle, File 18-0652 would actually cause companies to use more plastic material to manufacture a compliant tethered cap. This legislation will therefore increase the environmental footprint of beverages being manufactured and sold in California. That runs counter to the concept of reducing

the use of plastic for bottled water containers; an effort that has been led by the bottled water industry.

According to a 2018 report by the California Department of Resources Recycling and Recovery (CalRecycle), 87% of beverage containers that are being recycled come back with caps on the bottles. To the extent that "caps and lids" are a category of litter, there is no further data on the extent to which "single use beverage container" caps and closures may or may not represent as a significant percentage of the overall "caps and lids" category. CalRecycle continues to educate consumers on the importance of returning beverage containers with caps on by stating on their FAQ page that "...you empty your bottles and put the caps back on the bottles."

Rather than prohibit the sale of a beverage container without an affixed cap, a more viable alternative would be to establish a targeted public awareness/public education campaign to address the actual problem – consumer behavior. Even with a tethered cap, consumers can still remove the cap from the bottle and fail to put it in the recycle bin. Public recycling, additional education to consumers about returning bottles with caps on and requiring redemption centers to accept PET containers with caps on, are just a few ways that we can help ensure the increased return and recycling of bottle caps.

Conclusion

IBWA and CBWA hope that this information has provided you with better insight into the bottled water industry and the importance of bottled water for the people of Los Angeles. For these reasons, we would ask that the Committee oppose these two proposals. We appreciate this opportunity to offer these comments and are available at any time to discuss information on the industry and the important products we provide.

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