CR ConsumerReports™

June 24, 2020

Frank Yiannas
Deputy Commissioner, Food Policy and Response
U.S. Food and Drug Administration (FDA)
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Deputy Commissioner Yiannas:

As a result of a recent Consumer Reports investigation that found potentially harmful arsenic levels in a particular brand of bottled water, we write to renew our call to revise the current standard for arsenic in bottled water from 10 parts per billion (ppb) to 3 ppb. We are following up on our original request that was outlined in an April 2019 letter. Given the results of our most recent test of over 40 bottled water brands, which found many to have undetectable amounts of arsenic, we believe that the lower level is feasible.

For additional context, with respect to arsenic, tap water in certain states is safer to consume than bottled water that meets the FDA limit of 10 ppb. As you know, the U.S. Environmental Protection Agency (EPA) originally proposed a 3 ppb arsenic limit in tap water, but ultimately established it at 10 ppb in part due to the feasibility of implementing this standard in municipal water supplies.

Currently, New Jersey has a tougher drinking water standard of 5 ppb for arsenic, and New Hampshire is planning to lower its limit to the same 5 ppb level. California requires warnings for bottled waters with arsenic levels between 5 ppb and 10 ppb.

In our most recent test of 45 bottled water brands, we found that the arsenic levels in one brand of bottled water -- Starkey Spring Water produced by Whole Foods and also sold through Amazon -- was at least three times higher compared to the other brands tested. The findings ranged from 9.49 to 9.56 (ppb). While these results were just below the federal limit of 10 ppb, the 44 other brands that were tested all registered findings below 3 ppb, demonstrating the feasibility of the lower level.

The FDA can and should set the bottled water standard below the federal drinking water standard and enforce it. This already applies to lead standards, where the federal drinking water standard is 15 ppb but the bottled water standard is 5 ppb. Drinking a single bottle of water with arsenic levels near federal limits likely would not be harmful. However, regular consumption of even small amounts of arsenic over an extended period increases the risk of cardiovascular disease and certain cancers, and it can impact brain development in children.

We appreciate your consideration of this critical public health issue. Bottled water is now the number one packaged beverage sold in the United States by volume. Manufacturers have demonstrated that arsenic can be filtered out of bottled water, underscoring that a standard of 3 ppb is now clearly feasible and would provide important public health protections. We look forward to working with you to prevent harm and reduce levels of toxic elements in food and beverages.

Sincerely,
/s/
Brian Ronholm
Director, Food Policy,
Consumer Reports

cc: Susan Mayne, Director, Center for Food Safety and Applied Nutrition (CFSAN)