

Lawmakers open groundwater fight against bottled water companies

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Washington state, land of sprawling rainforests and glacier-fed rivers, might soon become the first in the nation to ban water bottling companies from tapping spring-fed sources.

The proposal is one of several efforts at the state and local level to fend off the fast-growing bottled [water](#) industry and protect local groundwater. Local activists throughout the country say bottling companies are taking their water virtually for free, depleting springs and aquifers, then packaging it in plastic bottles and shipping it elsewhere for sale.

"I was literally beyond shocked," said Washington state Sen. Reuven Carlyle, who sponsored the bill to ban bottling companies from extracting groundwater. It was advanced by a Senate committee last week.

"I was jolted to the core to realize the depth and breadth and magnitude of how they have lawyered up in these small towns to take advantage of water rights," the Democrat said. "The fact that we have incredibly loose, if virtually nonexistent, policy guidelines around this is shocking and a categorical failure."

Elsewhere, lawmakers in Michigan and Maine also have filed bills to restrict the bottling of groundwater or tax the industry. Local ballot measures have passed in Oregon and Montana to restrict the industry, though in Montana, Flathead County's zoning change remains tied up in court.

"The Washington state bill is groundbreaking," said Mary Grant, a water policy specialist with the environmental group Food and Water Watch. "As [water scarcity](#) is becoming a deeper crisis, you want to protect your local water supply so it goes for local purposes. (Bottled water) is not an industry that needs to exist."

Though much of the controversy around the bottled water industry has concerned "bottled at the source" spring water sites, nearly two-thirds of the bottled water sold in the United States comes from municipal tap

water, according to Food and Water Watch. The Washington state legislation would not keep companies from buying and reselling tap water.

Americans consumed nearly 14 billion gallons of bottled water in 2018, while sales reached \$19 billion—more than doubling the industry's size in 2004. The bottled water industry is expected to grow to more than \$24 billion in the next three years, according to Beverage Industry magazine.

Industry leaders have opposed sweeping legislation that would cut off resources, pointing out the potential hit to local employment and the importance of bottled water in disaster relief.

"This legislation would prevent any community from having these jobs or having a project in their area," said Brad Boswell, executive director of the Washington Beverage Association, who testified against the bill. "We think these issues are best dealt with on a project-by-project basis."

The International Bottled Water Association defended the track record of its members in an emailed statement. The bill in Washington and other legislation to limit the industry "are based on the false premise that the bottled water industry is harming the environment," wrote Jill Culora, the group's vice president of communications.

"All IBWA members," she wrote, "are good stewards of the environment. When a bottled water company decides to build a plant, it looks for a long-term, sustainable source of water and the ability to protect the land and environment around the source and bottling facility."

Culora did not address specific examples of community claims that bottling companies have damaged their watersheds and aquifers.

The American Beverage Association, which represents bottled water and soft drink companies, declined to take a stance on Washington's proposed ban, calling it a "local issue" that would be better addressed by in-state bottlers.

When residents in Randle, Wash., learned of a proposed Crystal Geyser operation last year, some worried about a large industrial plant in their quiet, rural valley near Mount Rainier.

Many feared that the company's plan to pump 400 gallons a minute from springs on the site would deplete the local aquifer and dry up their wells.

The worry turned to furor when a leaked email exposed the company's plan to sue the nearby subdivision in response to neighbor opposition, then conduct an underground public relations campaign to gain support for the project.

"Pumping water out of the ground, putting it in [plastic bottles](#) and exporting it out of the state of Washington is not in the public interest," said Craig Jasmer, a leader of the Lewis County Water Alliance, the group that sprung up to oppose the Randle plant and has pushed for the statewide ban.

Recent news increased the concerns: Last month, Crystal Geyser pled guilty to storing arsenic-contaminated wastewater at a California facility, and then illegally dumping the water into a sewer after being confronted by authorities. The company did not respond to a Stateline request for comment.

In 2016, Crystal Geyser paid a timber company for access to a spring that had historically provided the water for the city of Weed, Calif., forcing the town to find a new water supply.

Local activists in California, Oregon, Michigan and Florida say they've been targeted by big bottlers that damage the environment and provide scant economic benefit.

Nestle has drawn criticism for its bottling operation in California's San Bernardino National Forest, which federal officials have concluded is "drying up" creeks.

"(The creeks) are visibly different where the water is extracted and where it's not," said Michael O'Heaney, executive director of the Story of Stuff Project, a California-based group that makes films about waste, pollution and environmental issues.

During California's drought, he said, "Nestle wasn't being asked to curtail its water (in)take at the same time as Californians were being asked to significantly reduce the amount of water they were using."

Just across the Columbia River from Washington, the residents of Hood River County, Oregon, passed a ballot measure in 2016 to ban commercial water bottling after Nestle announced plans to build a plant that would extract more than 100 million gallons a year.

Aurora del Val, who helped lead the campaign for the ballot measure, said Nestle first made inroads with local officials, promising jobs for an area that had seen its economy suffer with the decline of the timber industry.

"This seemed like the golden ticket to having a boomtown again," she said. "But the more educated people became, the more opposition there was in the town."

In an emailed statement, Nestle noted its contributions to state economies—one study showed it provided 900 jobs and had an

economic impact of \$250 million in Florida in 2018. The company also defended its environmental record, without addressing specific claims that its operations are damaging watersheds.

"We have a proven track record of successful long-term management of water resources in states where we operate," wrote Nestle Waters North America spokesman Adam Gaber. "It would make absolutely NO sense for Nestle Waters to invest millions of dollars into local operations just to deplete the natural resources on which our business relies."

One of Nestle's most controversial projects is in Osceola Township, Mich., where local officials are fighting the company's plan to nearly double the groundwater it extracts from the area.

Locals say that nearby trout streams have turned into mud flats since Nestle's arrival, and its promise of jobs did not materialize when it chose to build its bottling plant miles away.

"Streams are flooding all over Michigan, except for Twin and Chippewa creeks, which are not," said Peggy Case, president of the group Michigan Citizens for Water Conservation. "The city aquifer is down 14 feet now, and it's not recharging. There are people with wells in the area that are starting to run dry. They no longer are as happy with Nestle as they used to be."

Even if the company's operations had no environmental effect, Case said her group would still object.

"They are privatizing water," she said, "and we are opposed to that."

In a state where the Flint water crisis is still fresh in people's minds, and residents carry a fierce pride in their Great Lakes heritage, water resources are a charged issue, said state Rep. Yousef Rabhi, a Democrat.

Rabhi is part of a group of lawmakers pushing a package of bills that would limit the bottled [water industry](#).

Rabhi has filed a bill that would define water as a public trust, instead of a privately owned commodity. Another measure would prohibit shipping bottled water out of the Great Lakes watershed. A third bill would bolster the regulatory authority of the state Department of Natural Resources.

Rabhi has previously proposed a wholesale excise tax on corporations selling bottled water. He said another group of legislators is working on a similar tax bill this year.

A representative for Absopure, a Michigan-based company that bottles spring water, did not respond to a request for comment. The Michigan Retailers Association said it was not taking a position on the bill, while the Michigan Soft Drink Association and the Michigan Chamber of Commerce did not respond to requests for comment.

In an emailed response, Nestle said the Michigan bills unfairly "single out one industry, one type of water user, for such restrictions." The company noted that water bottling accounts for less than 0.01% of water use in the state and said its Michigan operations employ 280 workers.

Opponents counter that the industry's water use is wholly extractive, while other heavy users, such as agriculture, return much of the water they use to the watershed.

Carlyle's bill in Washington has eight co-sponsors, all Democrats except for state Sen. John Braun, the Republican who represents the Randle community that battled Crystal Geyser. Braun did not offer comment when reached by text message.

The bill moved through the Senate Agriculture, Water, Natural Resources & Parks Committee. Backers are waiting to see whether it will be added to the Senate voting calendar.

However, some lawmakers have expressed misgivings about taking statewide action against a specific business.

"We're looking at banning a certain industry," Republican state Sen. Judy Warnick said at a committee meeting on the measure, before voting against it. "I understand the need to protect water withdrawals in certain areas, but what we're doing is taking away the right of locals to decide that."

Warnick, as well as the other two GOP senators who voted against the bill in committee, received \$2,000 each in campaign contributions from the Washington Beverage Association during the last campaign cycle. Warnick did not respond to a request for comment.

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