

Pennsylvania Public Health Protection and Water Quality Assurance Act

A statement of reasons for enactment of the proposed ordinance is as follows:

Whereas, the public drinking water supply should be maintained for the safety and enjoyment of the entire population of Pennsylvania at all ranges of consumption; and

Whereas, some communities in the State of Pennsylvania have added substances to the public drinking water for the purpose of fulfilling health claims that have been made; and

Whereas, the United States Food and Drug Administration is the only government agency with the authority to approve or reject any claim of safety or effectiveness for any product that is intended to cure, mitigate, treat or prevent any disease in man; and

Whereas, U.S. Maximum Contaminant Level Goals (MCLGs), which have been set by the U.S. EPA and adopted by the State of Pennsylvania as its public health goals for water, are the established scientific endpoints for toxic substances at which it has been determined that no known or anticipated adverse health effects will occur, with a margin of safety that is protective for a lifetime of ingestion; and

Whereas, the U.S. Safe Drinking Water Act requires that public water suppliers include health-based goals (MCLG's) for contaminants as a reference for safety in their federally mandated Consumer Confidence Report, routinely published in the form of an annual Water Quality Report; and

Whereas, public water suppliers adding substances to their public water systems for the purpose of fulfilling health claims have added chemicals that contain contaminants such as lead, arsenic, and mercury at levels that exceed the scientific points of safety established as Maximum Contaminant Level Goals for those contaminants by the U.S. Environmental Protection Agency and adopted by the State of Pennsylvania;

NOW, THEREFORE, BE IT ENACTED BY THE PENNSYLVANIA STATE LEGISLATURE, (Title/Chapter/Section) _____ IS AMENDED TO READ:

SECTION 1. (1)(a) A person or public or private water system may not add

any substance to the public water supply for the purpose of treating or affecting the physical or mental functions of the body of any person or with the intent that the substance act as a medication for humans unless:

(A)(i) The manufacturer, producer or supplier provides proof that the specific substance is specifically approved by the United States Food and Drug Administration for safety and effectiveness with a margin of safety that is protective against all adverse health and cosmetic effects at all dosage ranges consistent with unrestricted human water consumption; and

(ii) The substance contributes no contaminant at concentrations that will result in the public water supply exceeding Maximum Contaminant Level Goals established pursuant to the federal Safe Drinking Water Act (42 U.S.C. 300f et seq.); or

(B) The substance is added to treat water to make water safe, or potable, or assures consistent quality of delivery.

(b) For purposes of determining the specific contaminant contribution under paragraph (a)(A)(ii) of this subsection, each shipment of the substance must include its own certificate of independent analysis provided by the manufacturer, producer or supplier. Analysis of the contaminant contribution of a substance shall be of the undiluted product, with the contaminant concentration calculated at the Maximum Use Level declared by the manufacturer for certification at the American National Standards Institute/NSF Standard 60.

(2) Violation of subsection (1) of this section is a public nuisance and may be abated as other nuisances under the laws of this state.

Section 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, that invalidity may not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 3. All laws, regulations, resolutions, or ordinances in the State of Pennsylvania to the contrary are hereby repealed.

Section 4. {incorporate customary period for enactment (immediate, 30 days, 90 days)}