

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

SENATE BILL 255

4
5 By: Senator B. King

For An Act To Be Entitled

8 AN ACT TO CREATE THE ARKANSAS WATER ADDITIVE
9 ACCOUNTABILITY ACT; TO ESTABLISH CRITERIA FOR
10 SUBSTANCES ADDED TO PUBLIC DRINKING WATER FOR
11 PURPOSES UNRELATED TO POTABILITY; AND FOR OTHER
12 PURPOSES.

Subtitle

16 THE ARKANSAS WATER ADDITIVE
17 ACCOUNTABILITY ACT.

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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. Arkansas Code Title 17, Chapter 51 is amended to add an
23 additional subchapter to read as follows:

Subchapter 3 – Arkansas Water Additive Accountability Act

17-51-301. Title.

27 This subchapter shall be known and may be cited as the "Arkansas Water
28 Additive Accountability Act".

17-51-302. Findings.

31 The General Assembly finds that:

32 (1) The United States Environmental Protection Agency gave up
33 all enforceable oversight responsibilities for direct water additives in
34 1988, so that there are now no federal safety standards;

35 (2) The industry-established standard, known as American
36 National Standards Institute/NSF International Standard 60, that has been



1 adopted by the State of Arkansas under Public Water System Regulation § VII.F
2 is established and administered by a nongovernmental body with no direct
3 responsibility to health agencies or consumers;

4 (3) Public policy discussions of the prospects of adding lithium
5 to public water to alter human mood imbalances and statin drugs to affect
6 human cholesterol, rather than making water more potable, have increased
7 along with water districts initiating the use of, halting the use of, and
8 making changes in the use of fluoridation products;

9 (4) Chemical products are now more frequently sourced from
10 China, Japan, Russia, and Mexico with no state requirement for batch testing
11 for content and impurities or disclosure of origin; and

12 (5) It is essential that the contents and impurities of any
13 chemical transported to and stored in a community in its raw undiluted state
14 be fully identified for first responders, emergency remediation and response
15 teams, risk management, homeland security, environmental impact, and for
16 accurate assessments for both contaminant quality controls and appropriate
17 permitting.

18
19 17-51-303. Duty of a water district.

20 (a) To ensure that a water district that services residents of the
21 State of Arkansas select a product that is consistent with state law for
22 treating disease or so affecting the bodily functions of the consumer as to
23 prevent disease, rather than making water more potable, a water district
24 shall purchase and administer substances for treating disease or affecting
25 the bodily functions of the consumer to prevent disease only from a chemical
26 manufacturer or responsible entity in the chain of delivery of the product
27 that provides the following declaration for the product:

28
29 "This specific product, as it is constituted and inclusive of
30 contaminants, when ingested by consumers in dilution amounts
31 consistent with concentration goals in water established by safe
32 drinking water regulations for the product:

33 (a) Is effective at treating the legislatively identified
34 specific disease or health condition or affects the bodily functions
35 to prevent specific adverse health condition in consumers, consistent
36 with fulfilling the stated legislative intent for this product's use;

1 and

2 (b) Is safe for the full range of expected human consumption at
3 these dilution ranges, without known or anticipated adverse health
4 effects over a lifetime, including for infants, children, the elderly,
5 and other populations afforded equal protection."

6
7 (b) A water district that makes purchases under subsection (a) of this
8 section shall make the notice required under subsection (a) of this section
9 readily accessible to the public.

10
11 17-51-304. Transparency – Disclosure.

12 (a) A water district that services residents of the State of Arkansas
13 shall require as a condition of purchase that the manufacturer of a specific
14 product that the water district adds or intends to add to the public drinking
15 water for purposes of treating or affecting the bodily functions of consumers
16 shall:

17 (1) Provide a list of all published and unpublished
18 toxicological studies known to the manufacturer that deal with health and
19 behavioral effects of continued use of the specific product;

20 (2) Identify the country or countries of origin of all or any
21 part of the product, including any blending; and

22 (3) If toxicological studies known to the manufacturer on health
23 and behavioral effects were performed on a different manufacturer’s product
24 of the same chemical classification, identify the manufacturing source of the
25 product that was studied and provide a comparison of content and contaminant
26 concentrations between the studied product and the product to be delivered.

27 (b)(1) A water district shall require that an update of the list of
28 toxicological studies on the health and behavioral effects of the continued
29 use of each product content and contaminant required under subsection (a) of
30 this section be provided annually by the responsible party in the chain of
31 delivery.

32 (2) A water district shall make the submissions by the
33 manufacturer or responsible party in the chain of product delivery required
34 under subsection (a) of this section readily accessible to the public.

35
36 17-51-305. Product declaration – Publication.

1 (a) To ensure that a water district that services residents of the
 2 State of Arkansas has selected and administers a water additive product
 3 intended to treat or affect the bodily functions of consumers that meets all
 4 Arkansas laws, rules, and regulations, the water district, as a condition of
 5 purchase, shall obtain a complete, dated, and correct copy of the
 6 manufacturer's product declaration in force at the time of contract that the
 7 manufacturer of the product is required under Arkansas Public Water System
 8 Regulation VII.F to submit to NSF International to meet American National
 9 Standards Institute/NSF International Standard 60 General Requirements
 10 Section 3.2.1.

11 (b)(1) A water system shall make readily accessible to the public the
 12 document required under subsection (a) of this section.

13 (2) Notification to the public under this subdivision (b)(2)
 14 shall include at a minimum:

15 (A) A proposed maximum use level for the product;

16 (B) The composition of the formulation, in percentage by
 17 volume or parts by weight, for each chemical in the formulation;

18 (C) The reaction mixture used to manufacture the chemical,
 19 if applicable;

20 (D) The chemical abstract number, the chemical name, and
 21 the name of the supplier for each chemical present in the formulation;

22 (E) A list of known or suspected impurities within the
 23 treatment chemical formulation and the maximum percentage by volume or parts
 24 by weight of each impurity;

25 (F) A description or classification of the process by
 26 which the treatment chemical is manufactured, handled, and packaged;

27 (G) Any selected spectra that have been required,
 28 including without limitation ultraviolet-visible or infrared; and

29 (F) A list of published and unpublished toxicological
 30 studies known to the manufacturer that are relevant to the treatment chemical
 31 and to the chemicals and impurities present in the treatment chemical.

32
 33 17-51-306. Conformity with industry standards.

34 (a) A water district that services residents of the State of Arkansas
 35 shall select and add to the public drinking water only products intended to
 36 treat and affect the bodily functions of consumers that meet, at a minimum,

1 the applicable published American Water Works Association standard for those
2 products' specific chemical classifications.

3 (b)(1) To ensure fulfillment of the association's standards, the water
4 district shall obtain from the manufacturer or other responsible party in the
5 chain of delivery an independent analysis by an American National Standards
6 Institute or an NSF International-certified laboratory determining the
7 content and specific concentrations of each contaminant and of each shipment
8 of the product that the analysis shall correlate with the product declaration
9 that the manufacturer of the product is required to submit under Arkansas
10 Public Water System Regulation VII.F, including data required under § 17-51-
11 305(b)(2)(E).

12 (2) The analyses required under subdivision (b)(1) of this
13 section and any reports on a delivery of a product shall be maintained and
14 made immediately accessible to the public by the water district.

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16 17-51-307. Violation – Penalties.

17 (a) A violation of this subchapter is a public nuisance that may be
18 abated in the same manner as any public nuisance.

19 (b) A water district who violates this subchapter may be assessed a
20 reasonable attorney's fee and court costs of a successful action to enforce
21 this subchapter.

22 (c) This subchapter does not limit other remedies at law for
23 violations of public water safety laws or rules or regulations.

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