

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Office of Public Health

Sanitary Code—Bottled Water for Emergencies
(Chapter VI)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health hereby amends and enacts rules pertaining to the processing and bottling of drinking water for limited use under emergency circumstances by those institutions and facilities that require a source of potable drinking water.

This emergency measure amends and enacts certain sections of Chapter VI, Part 5 of the state Sanitary Code which governs the processing and bottling of bottled water. This emergency rule stems from requests by hospitals and nursing homes made to certain food processing plants to process and package bottled drinking water for their use as a source of potable drinking water for patients and residents of those facilities. These amendments to the Sanitary Code will provide guidance and set uniform rules for processing of drinking water strictly for use under emergency situations which may occur.

The effective date of this emergency rule is July 19, 1996 and it shall remain in effect for 120 days or until the final rule takes effect through the normal promulgation process, whichever occurs first. Without adoption of this emergency rule, there will be imminent peril to the health of the citizens of this state.

Chapter VI. Manufacturing, Processing, Packing and Holding of Food, Drug and Cosmetics **Part 5. Processing and Bottling Drinking Water**

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6:132 Definitions:

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Bottled Water—water that is intended for human consumption and that is sealed in bottles or other containers with no added ingredients except that it may optionally contain safe and suitable antimicrobial agents. Fluoride may be optionally added within the limitations established in 21 CFR §165.110(b)(4)(ii). Bottled water may be used as an ingredient in beverages (e.g. diluted juices, flavored bottled waters). It does not include those food ingredients that are declared in ingredient labeling as "water," "carbonated water," "disinfected water," "filtered water," "seltzer water," "soda water," "sparkling water," and "tonic water." The processing and bottling of bottled water shall comply with regulations specified in this part of this Chapter.

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6:132-2 Bottled Water for Emergencies. Bottled water processed and packaged strictly for the purpose of providing a source of potable drinking water in anticipation of, or during, an emergency such as the aftermath of disasters from severe storms, hurricanes, floods, etc., shall comply with the provisions of this part of this Chapter unless otherwise specified.

6:132-3 Bottled Water for Emergencies from Outside of State. Bottlers, processors, distributors, or dealers of bottled water processed and packaged outside of this state strictly for the purpose of providing a source of potable drinking water in anticipation of, or during, an emergency such as the aftermath of disasters from severe storms, hurricanes, floods, etc., shall show evidence to the state health officer, or his/her duly authorized representative, of compliance with the requirements for processing, packing, and distribution of bottled water in that state, county, or local authority having jurisdiction.

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6:137-1(B) Treatment of Product Water for Emergencies. Product water intended for bottling for use during emergencies shall contain a minimum of 0.2 ppm free chlorine residual prior to bottling or, shall be treated as specified in §6:137-1 of this part.

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6:137-2 (3) Bottled water that is processed and packaged exclusively for emergency use shall include the following labeling information in addition to any other required labeling information:

- a) Bottled water for emergencies may be named "Bottled Water" or "Drinking Water" followed immediately by "for Emergency Use Only, Not for Re-Sale".
- b) Each unit container shall include a "Use by (date)" with the date not to exceed

60 days from the date of bottling.

c) The information required in §6:137-2(3) (a)-(b) shall be of the same print size and style.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 40:941(C), R.S. 40:2, and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 10:220 (March 1984), amended by the Department of Health and Hospitals, Office of Public Health LR 22:

Bobby P. Jindal
Secretary

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