

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

**FOOD, FOOD PRODUCTS,
FOOD HANDLING ESTABLISHMENTS**

SECTION 7

BOTTLED WATER

In addition to complying with the regulations in Section 1 and 2 of this Chapter, Bottled Water operations shall comply with the following Regulations.

REGULATION 1. Bottled Water Rules

The provisions of A.A.C. Title 9, Chapter 8, Sections 201 through 209, excluding Sections 202 and 208, paragraphs a & b, shall be met.

R9-8-201. Definitions

In this article, unless the context otherwise requires:

1. “Approved Source” when used in reference to a plant's water product or water used in the plant's operations means the source of the water and the water therefrom, whether it be from a spring, artesian well, drilled well, municipal water supply or any other source that has been inspected by the Arizona Department of Environmental Quality and issued a Certificate or Notification of Approval.
2. “Artesian Well Water” means natural water from a well tapping an aquifer in which the water level will stand above the bottom of confining bed of the aquifer and in which the hydraulic pressure of the water in the aquifer is greater than the force of gravity.
3. “Bottled Water” means water that is from an approved source and is placed by a food establishment in a sealed container or package for human consumption or other consumer uses and has been produced by any of the processes described in R9-8-203 or which has undergone minimum treatment consisting of filtration (activated carbon and/or particulate) and ozonation or an equivalent process.
4. “Carbonated Water” means bottled water containing carbon dioxide. It is also known as “Sparkling Water” or “Soda Water”.

5. “Cleaning-in-Place” means the automatic or mechanical cleaning and/or sanitizing of a stationary piece of equipment.
6. “CFR”; means the Code of Federal Regulations.
7. “Department” means the Arizona Department of Health Services or a local Health Department designated by the Director.
8. “Distilled Water” means water which has been produced, a process of distillation and meets the definition of purified water on page 1124 in the United States Pharmacopeia (21st Rev.) dated 1985, Mack Publishing Company, Easton, Pennsylvania, 18042, Incorporated herein by Reference and on file with the Office of the Secretary of State.
9. “Drinking Water” means water obtained from an approved source for purposes of human consumption.
10. “Filler Equipment” means a machine used for the purpose of bottling or packaging liquids.
11. “Fluoridated Water” means water containing naturally occurring or added fluoride ion and complying with The Food and Drug Administration Quality Standards set forth in 21 CFR §103.35.d.2 (4-1-89 Ed.), Incorporated herein by Reference and on file with the Office of the Secretary of State.
12. “Mineral Water” means “Natural Water” that contains not less than 500 parts per million dissolved mineral solids and whose source is approved by the Arizona Department of Environmental Quality.
13. “Mineralized Water” means water which has been modified by the mineral addition or deletion and contains not less than 500 parts per million dissolved mineral solids and whose source is approved by the Department of Environmental Quality.
14. “Natural Water” means spring, artesian well or well water, derived from an underground formation, which is unmodified by blending with water from another source or by mineral addition or deletion but may be treated to reduce the concentration of any substance, except minerals, to meet the Safe Drinking Water Standards established by the Arizona Department of Environmental Quality.
15. “Naturally Carbonated” or “Naturally Sparkling” means water that contains carbon dioxide and that emerges from the source and is bottled

directly with its entrapped gas or from which the gas is mechanically separated from the water and later reintroduced into the water at the time of bottling.

16. "Purified Water" means water produced by distillation, deionization or reverse osmosis and meets the definition of purified water on page 1124 in the United States Pharmacopeia (21st Rev.), dated 1985, Mack Publishing Company, Easton, Pennsylvania, 18042, Incorporated herein by Reference and on file with the Office of the Secretary of State.
17. "Soda Water" means bottled water containing carbon dioxide.
18. "Sparkling Water" means bottled water containing carbon dioxide.
19. "Spring Water" means water other than artesian that is derived from a natural underground stratum that flows naturally or by external enhancement to the surface through a natural orifice, or from a bore hole adjacent to the natural orifice and which meets the requirements of "Natural Water".
20. "Well Water" means water from a hole bored into the ground which taps the water of the aquifer and which meets the requirements of "Natural Water".

R9-8-203. Processing Practices

- a. All bottled water processed or sold in Arizona shall be processed and packaged in accordance with the U.S. Food and Drug Administration's Good Manufacturing Practice Regulations for Bottled Water beginning at 21 CFR § 129 (4-1-89 ED.), Incorporated herein by Reference and on file with the Office of the Secretary of State.
- b. Bottled water shall not be processed or bottled through a line or other equipment used for any other purpose, except that filler equipment used to bottle liquids intended for human consumption may also be used to bottle water, provided:
 1. Filler and processing equipment, unless specifically designed for cleaning-in-place, shall be completely disassembled and cleaned after each use and sterilized after assembly.
 2. A separate set of gaskets, o-rings and similar flexible materials is used for bottling water.
 3. A physical break exists between all processing lines at the filler inlet.

- c. The provisions of R9-8-203(b) shall not apply to soft drink bottling operations processing carbonated water.

R9-8-204. Labeling Requirements

- a. All bottled water processed or sold in Arizona shall conform to the requirements established in A.R.S. §36-906, and shall be labeled in compliance with one of the following standards:
 - 1. Mineral water shall be labeled “Mineral Water” or “Natural MineralWater”.
 - 2. Mineralized water shall be labeled “Mineralized Water”.
 - 3. Spring water shall be labeled “Spring Water” or “Natural Spring Water”.
 - 4. Naturally carbonated or naturally sparking water shall be labeled with the words "Naturally Carbonated" or “Naturally Carbonated” or “Naturally Sparkling”.
 - 5. Bottled water which contains carbon dioxide, other than “Naturally Carbonated or Naturally Sparkling”, shall be labeled with the words “Carbonated” or “Sparkling” or “Soda Water”.
 - 6. Well water shall be labeled “Well Water” or “Natural Well Water”.
 - 7. Artesian well water shall be labeled “Artesian Well Water”, "Natural Artesian Well Water" or "Natural Well Water".
 - 8. Purified water shall be labeled “Purified Water” and the method of preparation shall be stated on the label except that purified water produced by distillation may be labeled "Distilled Water".
 - 9. Drinking water shall be labeled “Drinking Water”.
- b. Any bottler distributor, or vendor of bottled water whose corporate name, brand name or trademark contains the words “Well”, “Artesian Well”, “Natural”, or any derivation of these words shall label each bottle with source of the water in typeface at least equal to the size of the typeface of the corporate name or trademark if the actual source of the bottled water is different from the source stated in the corporate name, brand name or trademark.

- c. The use of words “Spring”, “Spring Fresh”, “Spring Brand”, “Spring Type” or other language containing the word “Spring” in a corporate name, brand name or trademark, or in describing the water, is prohibited unless the water is “Spring Water” as defined in R9-8-201.
- d. Supplemental printed information and graphics concerning recognized uses of the water may appear on the label but shall not imply properties of the product or preparation methods which are not accurate.

R9-8-205. Source Water Sampling

- a. Samples shall be taken of approved sources of water by plant operators or their agents according to the schedule established in A.C. R18-4-223.
- b. Sampling and analysis shall be by laboratories certified in accordance with A.A.C. R9-14-602 and shall be in addition to any sampling performed by the Department.
- c. Original laboratory records of bacteriological analyses shall be kept by the bottler for five years. Records of chemical analyses shall be kept for ten years.

R9-8-206. Finished Product Sampling

- a. To assure that the plant’s production of bottled water is in compliance with 21 CFR § 103.35 (4-1-89 Ed.), incorporated herein by reference and on file with the Office of the Secretary of State, the plant shall have the following analyses performed by a laboratory certified according to the provisions of A.A.C. R9-14-602:
 - 1. A representative sample from a batch or segment of a continuous production for each type of bottled water produced by the plant shall be analyzed weekly for microbiological purposes.
 - 2. A representative sample from a batch or segment of a continuous production for each type of bottled water produced by the plant shall be analyzed annually for chemical, physical and radiological compliance.
- b. The representative samples required in subsection a above shall be derived from the bottled product.
- c. Records of the sampling and analyses shall be maintained on file at the place of operation for a period of two years and shall be made readily available to the Director.

R9-8-207. Transportation Vehicles

- a. Bottled water shall be transported in vehicles used only for the transportation of food and other non-toxic products.
- b. All vehicles transporting bottled water shall be clean and shall protect the bottled water from dust, dirt, insects, and other vermin.

R9-8-209. Public Nuisance

- a. Any water supply, label, premises, equipment, process, or vehicle which does not comply with the minimum standards of this article shall be considered a public nuisance.
- b. All bottled water public nuisances shall be abated by revocation of the bottling establishment's permit or through the procedures established in A.R.S. §36-601 or by any other means permissible by law.

REGULATION 2. Sanitation

Every bottled water plant in which is carried on the process of placing water from an approved source into a sealed container or package shall be operated and maintained in a clean and sanitary condition and in compliance with the appropriate parts of Chapter VIII, Section 1, the general Regulations of this code, and with the specific provisions of this Section.

REGULATION 3. Permit Required

No person shall operate a bottled water plant without holding a valid Permit to do so from the Department.

All bottled water processors shall be inspected prior to issuance of a Permit and once every six months thereafter for compliance with the minimum standards of this Article.

REGULATION 4. Water Quality and Source

- a. All bottled water processed in Arizona shall be obtained from a source whose quality is approved by the Director of the Department of Environmental Quality or a local Health Department designated by the Director in accordance with provisions of the A.A.C., Title 18, Chapter 4, Article 2.

- b. With the exception of mineral water, mineralized water carbonated water, bottled water processed or sold in Arizona shall meet or exceed the minimum quality standards prescribed by 21 CFR §103.35 (4-1-89 ED.), Incorporated herein and on file with the Office of the Secretary of State.