



**THE ATTORNEY GENERAL  
OF TEXAS  
AUSTIN, TEXAS**

**PRICE DANIEL  
ATTORNEY GENERAL**

**FAGAN DICKSON  
FIRST ASSISTANT**

November 20, 1948

Hon. Geo. W. Cox, M.D.  
State Health Officer  
Department of Health  
Austin, Texas

Opinion No. V-724.

Re: Necessity of certification as competent water works operators of individuals processing water for bottled sale.

Dear Sir:

Your request for an opinion of this department is as follows:

"The request is made in an effort to comply with Section 11(a) of the General Sanitation Law of 1945, enacted by the 49th Legislature. The plan or procedure of issuing certificates of competency under this Statute now employed by the State Department of Health, is designed for application entirely to the owners or managers of privately owned or publicly owned public water supply systems where conveyance of the water to the public is undertaken through a water supply piping system and is made available to the householders through service connections between the house plumbing and the water supply mains.

"No attempt has heretofore been made to certify as to the competency of individuals involved in the processing of water placed in artificial containers such as 5-gallon bottles, for sale to the public, since it appears from the wording of the Law that the statute was intended to apply to public water supply systems only. It would be appreciated if you could clarify this question for us, advising us as to whether this Statute does refer to the distributors of bottled water."

Section 11(a) of Article 4477-1, V.C.S. is as follows:

"(a) No district, municipality, firm, corporation, or individual shall furnish to the public any drinking water for which any charge is made, unless the production, processing, treatment, and distribution is at all times under the supervision of a competent water works operator holding a valid certificate of competency issued under direction of the Texas State Department of Health."

We have been reliably informed that the distribution of bottled water entails a processing treatment by the bottling company, thereby changing the quality of the water after it leaves the city water supply. Such water is distributed in artificial containers. Since the same is furnished to the public as drinking water, each bottling company is required to employ a competent water works operator holding a certificate of competency from the Texas State Department of Health.

Drinking water is defined by the Act as "All water distributed by any agency or individual, public or private, for the purpose of human consumption or which may be used in the preparation of foods or beverages or for the cleansing of any utensil or article used in the course of preparation or consumption of food or beverages for human beings. The term 'Drinking Water' shall also include all water supplied for human consumption or used by any institution catering to the public," and a water supply is defined as "Any source or reservoir of water distributed to and used for human consumption."

It will be seen that the Legislature intended, by the enactment of Article 4477-1, V.C.S., that all drinking water furnished by another for human consumption should be under strict supervision. The Article was applied to an individual in the case of *Riley v. Davidson*, 196 S.W.(2d) 557, and it was intimated that all who deal with a water supply should be under the supervision of the State Health Department.

SUMMARY

A water bottling company distributing drinking water in artificial containers for human consumption must do so under the supervision of a competent water works operator holding a valid certificate of competency from the State Health Department. Sec. 11 (a) Article 4477-1, V.C.S.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

BW:b:mw:bh

By   
Burnell Waldrep  
Assistant

APPROVED:

  
FIRST ASSISTANT  
ATTORNEY GENERAL