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**MINISTRY OF COMMERCE AND INDUSTRY**



**ADMINISTRATIVE REGULATION**

***PACKAGED DRINKING WATER***

**ADMINISTRATIVE NOTICE MCI/NO.007/07/2017**

**JULY 19, 2017**

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**ADMINISTRATIVE NOTICE MCI/NO.007/07/2017****ADMINISTRATIVE REGULATION ON PACKAGED DRINKING WATER****1.0 GENERAL RULE**

**WHEREAS**, Part II, Executive Branch generally; chapter 10, General provisions; Section 10.5 of Title 12 Liberia Code of Laws Revised (Executive Law); grants authority to the head of each ministry or independent agency in the Executive Branch, subject to the approval of the President, the power to prescribe regulations not inconsistent with the law of the operation of the ministry or agency, and the accomplishment of its lawful functions;

**WHEREAS**, Chapter 29, Section 29.2(a) of the executive Law mentioned supra, grants the Minister of Commerce and Industry the power to regulate commodity and trade standards;

**2.0 PURPOSE**

The purpose of this Regulation is to regulate the commercialization of packaged drinking water within the commerce of Liberia in order to ensure that the referenced product meets the required regulatory requirements and is safe and healthy for the consumers.

**3.0 APPLICABILITY**

This regulation is applicable to all businesses, entities and establishments that are engaged in the importation and/or production, storage and distribution of packaged-drinking water for commercial purposes on the Liberian market.

**4.0 DEFINITIONS**

**“Advertisement”** means any representation by any means for the purpose of promoting directly or indirectly the sale, distribution, or consumption of any food.

**“Authorized officer,”** means an officer appointed by the ministry or otherwise authorized to carry out duties under the provisions of this Regulation.

**“Certificate of Analysis” or CoA-** refers to an authenticated document that is generally issued by Quality Assurance that ascertains that a regulated product has met its product specification and quality.

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**"Distribute"** with respect to food means to exchange, transmit, convey, consign, supply, deliver, trade, sell, or dispose of, whether or not for remuneration or other consideration.

**"Drinking water systems"** - Public or private systems providing the consumer with tap water safe and suitable for direct consumption.

**"Establishment"** - Any suitable building(s), area(s) or surroundings in which water intended for bottling is collected, processed and bottled.

**"Food"** - For the purposes of this Regulation, the term includes bottled/package drinking water.

**"Food handling"** - Any operation pertaining to collecting, processing, bottling, packing of bottles, storing, transporting, distributing and marketing of bottled drinking water.

**Ground water** - Waters such as spring water, artesian water, and well water originating from subsurface aquifers. Ground waters may be classified broadly as protected or unprotected water. Protected ground waters are not directly influenced by surface water or the surface environment.

**"Good Manufacturing Practice"** is a food quality system to ensure that products meet food safety, quality and legal requirements. Food quality controls are necessary to ensure that food supplies are safe, of good quality, and compliant to regulations of the Government.

**"Import"** with respect to food means to bring into the country from another country for sale or distribution in Liberia.

**"Packaged drinking water"** - Water filled into hermetically sealed containers of various compositions, forms, and capacities that is safe and suitable for direct consumption without necessary further treatment. Packaged drinking water is considered a food. The terms "drinking" and "potable" are used interchangeably in relation to water.

**"Package"** means anything in which any food is partially or wholly covered, wrapped, attached, enclosed, contained, or packed.

**"Person"** means any individual, licensee, business, corporation, firm, partnership proprietorship, organization, agency, association, facility, or other entity.

**"Premises"** means any building, stall, tent, cart, or any other structure, whether fixed, temporary, or mobile, together with the land on which it is situated and any adjoining land used in connection with it, and includes any vehicle, vessel, or aircraft.

**"Quality Control"** refers to a system of maintaining standards in manufactured products by testing a sample of the output against the specification.

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**“Regulatory requirements”** means the provisions of all applicable laws, regulations, decrees, and other government enactments relating to food quality and safety, nutrition, hygiene, and any other aspect of food regulation or control.

**“Sell”** with respect to food means to offer, expose, or prepare for sale, trade, or exchange, transmit, convey, consign, supply, deliver, distribute, or dispose of for human or animal consumption for any consideration. All words and terms not defined herein shall be given their plain and customary meaning and shall be interpreted in accordance with the context in which they appear.

**“Verification”** refers to the inspection processes that verify compliance with the mandatory food fortification standards.

## **5.0 GENERAL, TECHNICAL AND ADMINISTRATIVE REQUIREMENTS**

### **5.1 General Requirements**

The Ministry of Commerce and Industry (hereafter “MoCI”) shall take the measures necessary to ensure that packaged drinking water traded or intended to be traded within the commerce of Liberia for human consumption is wholesome, clean, healthy and safe for consumers. Therefore, entities, businesses and establishments which are engaged or shall be engaged in such commercial activities of importation, production, distribution and selling of packaged drinking water intended shall be under obligation to be in compliance with requirements at every stage of their business activities. The MoCI shall ensure that duly registered Liberian businesses be granted the recognition to trade packaged drinking water after meeting all initial requirements and while at the same time shall enforce compliance in an ongoing manner through a stringent monitoring of product, processing, packaging, storing, transporting, distributing, product and sale of products in accordance with defined protocols.

### **5.2 Technical Requirements**

#### **5.2.1 Initial Requirements**

All packaged drinking water products shall initially meet the chemical, physical, and microbiological standards presented in **Annex A** of this Regulation as requirement for gaining access to local markets. Therefore;

- a) Importers shall be expected to submit Certificates of Analysis (CoA) of product from an ISO accredited testing laboratory in country of origin (importing country) along with required samples for verification;
- b) local businesses including producers of packaged water for commercial purposes shall submit required sample of initial finished product for

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verification against quality standards. In addition, the sample shall be accompanied with evidence of an approved source of raw water- preferably a valid hydrological test report showing that the packaged drinking water is from an approved source. Production site shall be subjected to initial inspection to verify status of compliance to elements of GMP guidelines.

### **5.2.2 Quality Assurance and Quality Control of Package Water for Commercial Purpose**

All importers or local producers of packaged water shall take the responsibility of putting into place appropriate measures of ensuring quality control of their products. They shall establish procedures and carry out activities of quality assurance in accordance with requirements prescribed in regulations to ensure that their processes and procedures meet CODEX Code of hygienic practice for bottled/package drinking waters (other than natural mineral waters) CAC/RCP 48-2001. Therefore, in addition;

- a) Importers shall submit Certificate of Analysis (CoA) of consignments of packaged water and/or ensure required samples are submitted on a regular basis (at least on a quarterly basis) for on-going quality verification of their product;
- b) Packaged water producers shall ensure that their production process, including transport, packaging, and storage, shall be conducted under such conditions and controls as far as necessary to minimize the potential for microbiological contamination of the finished products including the formation of toxic by-products (particularly bromates) and the presence of residues of water treatment chemicals in amounts that raise health concerns. Therefore, it shall be expected that packaged water producers established and conduct regular internal quality control measures as far as possibility exist to ascertain product quality status;
- c) Producers of packaged drinking water shall also ensure that their processes meet requirements of GMP and food safety management principles as outlined in ISO 2200 as far as possible in an ongoing process. This shall include the development and maintain a Hazard Analysis and Critical Control Point (HACCP) program and the establishment of a food management system. The processes and products shall be subject to announced and unannounced inspections and audits in an ongoing basis. Appropriate documents and records shall be made available to MoCI inspection staff upon request from time to time in order to verify compliance;
- d) Producers of packaged drinking water shall address vendor programs and materials management issues that affect the safety and security of packaged water products. In addition, the producers shall document other safety security measures, including but not limited to those addressing

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safety and security of buildings, employees, materials, transportation, and products.

### 5.2.3 Packaging

All packaged drinking water shall be packaged in a manner that protects and preserves composition, quality, purity, hygiene, and safety of the product from harmful contamination. Packaged drinking water shall be packaged in accordance with CODEX ALIMENTARIUS prescribed requirements in ANNEX A of this Regulation.

## 5.3 Administrative Requirements

### 5.3.1 Monitoring

MoCI shall take all measures necessary to ensure that regular monitoring of the quality of water intended for human consumption is carried out, in order to check that the water available to consumers meets the requirements of this regulation. Authorized officers/inspectors shall have the authority to conduct surveillance, inspections and investigations to determine the effectiveness of this regulation and level of compliance with regulatory requirements;

- a) **Surveillance:** Market surveillance program shall be conducted on packaged drinking water product at regular time interval for ensuring that product quality characteristics in order to determined compliance.
- b) **Inspections:** The premises and operations of all importers and producers of packaged drinking water shall be subject to periodic inspection and monitoring.
- c) **Investigations:** Any premises where packaged drinking water is produced, received, stored, distributed, or sold by any person or business entity, shall be subject to an investigation whenever an authorized officer has a reasonable basis to question compliance with regulatory requirements of activities, operations, or of food therein.

### 5.3.2 Enforcement

MoCI shall ensure that any failure to meet the requirements set in accordance with this regulation shall be immediately investigated in order to identify the cause and shall ensure that the necessary remedial actions are taken as soon as possible to restore packaged drinking water quality and shall give priority to enforcement action. The following shall be carried out;

- a) **Prohibition:** In the case that failure of packing drinking water product quality shall present critical danger to consumers' health, MoCI shall ensure that identified product is prohibited or its use restricted or such

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other action is taken as is necessary to protect human health. In such cases consumers shall be informed promptly thereof and given the necessary advice.

b) **Civil Enforcement:** The MoCI shall take a civil administrative enforcement action or may commence a civil action in a court of competent jurisdiction against any person responsible for the importation, manufacture, packaging, labelling, storage, distribution, sale of packaged drinking water found, pursuant to this Regulation, not to be or have been in substantial compliance with all provisions of applicable regulatory requirements. Penalties authorized by this Section may be imposed for each substantial violation of regulatory requirements:

- May impose of an appropriate civil fine in accordance with Fees and Fines regime of MoCI;
- Issuance of an order to cease and desist from any activity that does not comply with regulatory requirements;
- Adverse publicity of unfavorable inspection, investigation of analysis results; and Business Registration suspension, cancellation or revocation.

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**EFFECTIVE DATE**

This regulation shall take immediate effect upon signing and publication.

SIGNED BY:



MR. AXEL M. ADDY  
MINISTER  
MINISTRY OF COMMERCE & INDUSTRY

Attested  
WITNESSED BY:

A black ink signature of Cllr. Frederick Cherue.

CLLR. FEDERICK CHERUE  
MINISTER/ATTORNEY GENERAL R.L.  
MINISTRY OF JUSTICE

APPROVED BY:

A green ink signature of Mrs. Ellen Johnson Sirleaf.

MRS. ELLEN JOHNSON SIRLEAF  
PRESIDENT  
REPUBLIC OF LIBERIA

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**ANNEX A****GENERAL STANDARD FOR PACKAGED DRINKING WATERS****(Other than Natural Mineral Waters)****CODEX STANDARD 227-2001****1. SCOPE**

This Standard applies to waters for drinking purposes other than Natural Mineral Waters, as defined in the Revised Codex Standard CODEX STAN 108-1981, that are pre-packaged/bottled<sup>1</sup> and are suitable for human consumption.

**2. DESCRIPTION****2.1 Packaged Waters**

*"Packaged waters"*, other than natural mineral waters, are waters for human consumption and may contain minerals, naturally occurring or intentionally added; may contain carbon dioxide, naturally occurring or intentionally added; but shall not contain sugars, sweeteners, flavourings or other foodstuffs.

**2.1.1 Waters Defined by Origin**

*"Waters defined by origin"*, whether they come from the underground or from the surface, defined under the present standard share the following characteristics:

- a) they originate from specific environmental resources without passing through a community water system;
- b) precautions have been taken within the vulnerability perimeters to avoid any pollution of, or external influence on, the chemical, microbiological and physical qualities of water at origin;
- c) collecting conditions which guarantee the original microbiological purity and essential elements of their chemical make-up at origin;
- d) from the microbiological standpoint, are constantly fit for human consumption at their source and are kept in that state with particular hygienic precautions until and while packaging in accordance with provisions of sections 3 and 4;
- e) are not subject to any modification or treatment other than those permitted under Section 3.1.1.

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### 2.1.2 Prepared Waters

“*Prepared waters*” are waters that do not comply with all the provisions set for waters defined by origin under subsection 2.1.1. They may originate from any type of water supply.

## 3.0 ESSENTIAL COMPOSITION AND QUALITY FACTORS

### 3.1 Modifications And Handling Of Packaged Waters

#### 3.1.1 Permitted Physicochemical Modifications And Antimicrobial Treatments For The Waters Defined By Origin

Waters defined by origin must not, prior to packaging, be modified or subject to treatments other than those described in the subsections below with the provision that these modifications or treatments and the processes<sup>2</sup> used to achieve them do not change the essential physicochemical characteristics nor compromise the chemical, radiological and microbiological safety of these waters when packaged:

##### 3.1.1.1 Selective Treatments That Modify The Original Composition:

- Reduction and/or elimination of dissolved gases (and resulting possible change in pH);
- Addition of carbon dioxide (and resulting change in pH) or re-incorporation of the original carbon dioxide present at emergence;
- Reduction and/or elimination of unstable constituents such as iron, manganese, sulphur (as  $S^0$  or  $S^{2-}$ ) compounds and carbonates in excess, under normal conditions of temperature and pressure, of the calco-carbonate equilibrium;
- Addition of air, oxygen or ozone on condition that the concentration of by-products resulting from the ozone treatment is below the tolerance established under section 3.2.1;
- Decrease and/or increase in temperature;
- Reduction and/or separation of elements originally present in excess of maximum concentrations or of maximum levels of radioactivity set according to section 3.2.1.

<sup>1</sup>As defined in *Codex General Standard for the Labelling of Pre-packaged Foods*: “pre-packaged foods to be offered as such to consumer or for catering purposes”.

<sup>2</sup>These processes include the techniques listed in Section 4.1 of the *Code of Hygienic Practice for Bottled/Packaged Drinking Waters (Other Than Natural Mineral Waters)*

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with the proviso that such techniques comply with the provisions outlined in Section 3.2.1 of the present standard. 2 Codex Standard 227-2001

#### **3.1.1.2 Antimicrobial Treatments For The Waters Defined By Origin**

Antimicrobial treatments may be used singly or in combination solely in order to conserve the original microbiological fitness for human consumption, original purity and safety of waters defined by origin.

#### **3.1.2 Physical And Chemical Modifications And Antimicrobial Treatments For Prepared Waters**

Prepared waters can be subjected to any microbial treatments and any treatments that modify the physical and chemical characteristics of the original water on condition that such treatments result in prepared waters that comply with all provisions of section 3.2 and 4 regarding the chemical, microbiological and radiological safety requirements for pre-packaged waters.

### **3.2 Chemical And Radiological Quality Of Packaged Waters**

#### **3.2.1 Health-Related Limits For Chemical And Radiological Substances**

No packaged water shall contain substances or emit radioactivity in quantities that may be injurious to health. To this effect, all packaged water shall comply with the health-related requirements of the most recent "*Guidelines for Drinking Water Quality*" published by the World Health Organization.

#### **3.2.2 Addition Of Minerals**

Any addition of minerals to water before packaging must comply with the provisions outlined in the present standard and, where applicable, with the provisions in *the Codex General Standard for Food Additives* (CODEX STAN 192-1995) and/or the *Codex General Principles for the Addition of Essential Nutrients to Foods* (CAC/GL 9-1987).

### **4.0 HYGIENE**

#### **4.1 Code Of Practice**

It is recommended that all waters covered by the provisions of this standard be collected, transported, stored, and if applicable treated, and packaged in accordance with the *Recommended International Code of Practice – General Principles of Food Hygiene* (CAC/RCP 1-1991) and in accordance with *the Code of Hygienic Practice for Bottled/Packaged Drinking Waters (other than Natural Mineral Waters)* (CAC/RCP 48-2001).

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## 4.2 Approval And Inspection Of The Source For Waters Defined By Origin

Initial approval or inspection of the source of waters defined by origin should be based upon appropriate scientific study adapted to the type of resource (hydrogeology, hydrology, etc.) and based on field survey of the source and of the recharge zone that shall demonstrate the safety of the source, the facilities and collection operations. The initial inspection of the source must be confirmed on a regular basis by periodic monitoring of the essential constituents, temperature, flow (in the case of natural springs) and the chemical and radiological factors specified under section 3.2.1 and the microbiological standards established in conformity with the latest "*Guidelines for Drinking Water Quality*" published by the World Health Organization. The results of source inspection should be made available to the importing country upon request.

## 5.0 LABELLING REQUIREMENTS

In addition to the *Codex General Standard for the Labelling of Pre-packaged Foods* (CODEX STAN 1-1985), the following provisions shall apply:

### 5.1 Name Of The Product

Countries may select appropriate names for products, to be specified in national legislation, that reflect local consumer expectations arising from cultural and traditional practices. 3 Codex Standard 227-2001

However, in establishing such labelling requirements, consideration should be given to ensuring that any product complying with this standard may be represented in a way that reflects its classification within the standard and that consumers are not misled.

5.1.1 The name of the product shall be as follows, depending on its classification in accordance with Section 2.1.

#### 5.1.1.1 Waters Defined By Origin

Any appropriate name (or names) in the case of waters that comply with the criteria described under section 2.1.1 and that meet additional criteria established by each country including restricting the name of such water to certain names or only one name. In the case of blends or mixtures of waters from different environment resources, each resource shall be labelled.

Only waters defined by origin, in accordance with the present standard, can be represented by names that refer to the origin or give an impression of specific origin. The names used or chosen by the countries, in accordance with the present standard, to represent prepared waters cannot apply to waters defined by origin and vice versa.

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When applicable, the additional criteria established by the countries for the definition of the chosen names cannot contravene the provisions of the present standard.

#### **5.1.1.2 Prepared waters**

Any appropriate name (or names) to designate prepared waters described under section 2.1.2 and that meet additional criteria established by each country including restricting the name of such water to certain names or only one name.

#### **5.1.2 Carbonation**

5.1.2.1 The following respective declarations should appear on the label in accordance with the following criteria:

In the case of ground waters defined by origin, "*naturally carbonated*" or "*naturally sparkling*" if, after packaging, carbon dioxide spontaneously and visibly is given off under normal conditions of temperature and pressure and the carbon dioxide originates from the source at emergence and is present at the same level as was present originally at emergence, with a possible re-incorporation of gas from the same source, taking into consideration a technical tolerance of  $\pm 20\%$ .

In the case of ground waters defined by origin, "*fortified with carbon dioxide*" if, after packaging, carbon dioxide spontaneously and visibly is given off under normal conditions of temperature and pressure and the carbon dioxide originates from the source at emergence but is present at a level at least 20% higher than the quantity present originally at emergence, with a possible re-incorporation of gas from the same source.

In the case of all waters, "*carbonated*" or "*sparkling*" if, after packaging, carbon dioxide spontaneously and visibly is given off under normal conditions of temperature and pressure and the carbon dioxide does not entirely originate from the same source as that of the water at emergence.

5.1.2.2 Words such as "*non-carbonated*" or "*non sparkling*" or "*still*" may apply if, after packaging, there is no visible and spontaneous release of carbon dioxide under normal conditions of temperature and pressure when the packaged is opened.

#### **5.2 Additional labelling requirements**

##### **5.2.1 Chemical composition**

The total dissolved solid content of packaged waters may be declared on the principal display panel. With regard to waters defined by origin, the chemical composition that confers the characteristics to the product may also be declared on the label.

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### 5.2.2 Geographic Location

Where required by the authorities having jurisdiction, the precise geographic location of the specific environmental resource and/or the source of a water defined by origin must be declared in the manner prescribed in the applicable legislation.

### 5.2.3 Prepared Water From A Water Distribution System

When prepared water is supplied by a public or private tap water distribution system and subsequently packaged/bottled, but has not undergone further treatment that would modify its original composition or to which carbon dioxide or fluoride have been added, the wording "*From a public or private distribution system*" must appear on the label along with the name of the product on the principal display panel. 4 Codex Standard 227-2001

### 5.2.4 Treatments

Where required by the authorities having jurisdiction, if a packaged/bottled water has been modified by a permitted treatment before packaging, the modification or the result of the treatment must be declared on the label in a manner prescribed in the applicable legislation.

## 5.3 Labelling Prohibitions

5.3.1 No claims concerning medicinal (preventive, alleviative or curative) effects shall be made in respect of the properties of the product covered by this standard. Claims of other beneficial effects related to the health of the consumer shall not be made unless true and not misleading.

5.3.2 The name of the locality, hamlet or specified place may not form part of the trade name unless it refers to a water defined by origin collected at the place designated by that trade name.

5.3.3 The use of any statement or of any pictorial device which may create confusion in the mind of the public or in any way mislead the public about the nature, origin, composition and properties of packaged waters put on sale is prohibited.

## 6.0 METHODS OF ANALYSIS AND SAMPLING

See relevant Codex texts on methods of analysis and sampling.

## W.H.O. DRINKING WATER STANDARDS

| PARAMETER | UNIT    | LIMIT |
|-----------|---------|-------|
| Aluminium | mg Al/l | 0.2   |
| Arsenic   | mg As/l | 0.05  |
| Barium    | mg Ba/l | 0.05  |

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|                        |                       |       |
|------------------------|-----------------------|-------|
| Beryllium              | ug Be/l               | 0.2   |
| Cadmium                | ug Cd/l               | 5.0   |
| Calcium                | mg Ca/l               | 200.0 |
| Chromium               | mg Cr/l               | 0.05  |
| Copper                 | mg Cu/l               | 1.0   |
| Iron Total             | mg Fe/l               | 0.3   |
| Lead                   | mg Pb/l               | 0.01  |
| Magnesium              | mg Mg/l               | 150.0 |
| Manganese              | mg Mn/l               | 0.1   |
| Mercury                | ug Hg/l               | 1.0   |
| Selenium               | mg Se/l               | 0.01  |
| Sodium                 | mg Na/l               | 200.0 |
| Zinc                   | mg Zn/l               | 5.0   |
| Chlorides              | mg Cl/l               | 250.0 |
| Cyanide                | mg Cn/l               | 0.1   |
| Fluorides              | mg F/l                | 1.5   |
| Nitrates               | mg NO <sub>3</sub> /l | 10.0  |
| Nitrites               | mg NO <sub>2</sub> /l | -     |
| Sulphates              | mg SO <sub>4</sub> /l | 400.0 |
| Sulphides              | mg H <sub>2</sub> S/l | 0     |
| TOTAL "drins"          | ug/l                  | 0.03  |
| TOTAL "ddt"            | ug/l                  | 1.0   |
| Hydrocarbons           | mg/l                  | 0.1   |
| Anionic Detergents     | mg/l                  | 0     |
| pH                     |                       | 9.2   |
| Total dissolved solids | mg/l                  | 1500  |
| Total hardness         | mg/l                  | 500   |
| Alkalinity             | mg/l                  | 500   |

**MICROBIOLOGICAL PARAMETERS**

|                |             |     |
|----------------|-------------|-----|
| Total Bacteria | Count/ml    | 100 |
| Coliform       | Count/100ml | 0   |
| E. Coli        | Count/100ml | 0   |
| Salmonella     | Count/100ml | 0   |

ug = microgram or ppb

mg = milligram or ppm

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