



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: U.S. Agency for International Development--
Purchase of Bottled Drinking Water

File: B-247871

Date: April 10, 1992

DIGEST

The Office of Inspector General for the Agency for International Development may use appropriated funds to purchase bottled drinking water for its employees when the water otherwise available to its employees is unwholesome.

DECISION

An authorized certifying officer for the Agency for International Development (AID) asks whether the Office of Inspector General (OIG) may use appropriated funds to pay for a commercial bottled drinking water service for its employees. According to the OIG, the water available in OIG's offices through the building's plumbing system is discolored, has an unusual taste and odor, and contains elevated levels of lead. We conclude that the OIG may use appropriated funds to purchase bottled drinking water for its employees until the problems with the building's water supply are adequately corrected and the water is shown to be safe.

BACKGROUND

In the fall of 1990, OIG employees began complaining about the quality of the water in OIG's building. The employees complained of discoloration, unusual taste, and offensive smell. In response, the Assistant IG for Resource Management decided to purchase bottled water "to ensure the availability of palatable drinking water and reduce any potential health risks to the IG staff."

In July 1991, the General Services Administration, Safety and Environmental Management Division, tested water collected from water fountains and sinks throughout the building for lead content. The tests showed that water from two water fountains and two sinks exceeded the Environmental Protection Agency's "maximum contaminant level" for lead. We understand that additional tests for inorganic materials, metals, asbestos, and microbiologicals are to be performed. Until the water is shown to be safe, the IG believes that

[AID] - Review of bottled water for analysis

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the purchase of bottled drinking water would be a reasonable exercise of management judgment.¹

DISCUSSION

An agency may use appropriated funds to purchase bottled drinking water, which is ordinarily considered a personal expense of its employees, upon a showing of necessity. B-147622, Dec. 7, 1961; 2 Comp. Gen. 776 (1923). When water otherwise available to agency employees is unwholesome, or otherwise unpotable, the purchase of bottled drinking water may be viewed as a necessity from the standpoint of the government. B-147622, Dec. 7, 1961; see also, B-236330, August 14, 1989.

Here, besides discoloration, unusual taste, and offensive smell, tests showed that water drawn from at least four locations in building space occupied by the OIG contained levels of lead exceeding EPA's "maximum contaminant level." 40 C.F.R. § 141.11 (1991). According to the EPA, lead can cause a variety of adverse health effects in humans. See 56 Fed. Reg. 16548, June 7, 1991. Moreover, based on available data, EPA believes "there are no clearly discernible thresholds for some of the non-carcinogenic adverse health effects associated with lead." 56 Fed. Reg. 26469, June 7, 1991. Given the uncertain health effects of lead, we think the IG's concern for the health of his employees is justified.

Thus, until the problems with the building's water supply are adequately corrected and tests show that the water is free from lead and other contaminants, the determination that the purchase of bottled drinking water is a necessary expense of the agency's operations is within the legitimate range of the IG's discretion. Accordingly, until the health problems posed by the building's water supply are resolved, the Office of Inspector General may use its appropriated funds to purchase bottled drinking water for its employees.

Milton J. Bowler

Acting Comptroller General
of the United States

¹The IG also informed us that he intends to request that the charges for the bottled water be claimed as an offset against the rent paid on the building or, in the alternative, to pursue a separate bill for collection.