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October 19, 2020

Dear sirs,

Earlier this year, Nestlé announced<sup>1</sup> its intent to offer its bulk bottled water brands in the United States and Canada for sale over the coming year.<sup>2</sup> More recently, news reports indicate your company's initial attempt to sell the Canadian *Pure Life* brand and assets to Ice River Springs was scrapped after you were unable to successfully navigate that country's regulatory approval process.<sup>3</sup>

Over the last several decades, Nestlé Waters' North American operations have faced significant opposition from a number of communities across the United States and Canada. Although these communities vary widely in location and demographic makeup, the concerns they raise about Nestlé's operations have been remarkably similar. The company's proclaimed lofty commitments to these communities during permitting processes, including local hiring clauses and offers of charitable funds, have gone unfulfilled. The environmental impacts of the plastic bottles you sell have become a global crisis. Yet often the gravest concern raised by these communities is the impact your water removal has on the depletion of local aquifers, particularly during drought conditions, impacting local residents and ecosystems alike.

For example, we remain deeply concerned about the impacts of your water extraction and bottling activities in the following locations which are themselves emblematic of Nestlé's broader, unethical approach to water extraction:

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<https://www.nestle.com/media/pressreleases/allpressreleases/water-focus-international-premium-functional-brands-strategic-options-north-american-business>

<sup>2</sup> <https://www.nytimes.com/2020/06/11/business/nestle-us-water-business.html>

<sup>3</sup> <https://www.guelphmercury.com/news-story/10162034-sale-of-nestl-plant-south-of-guelph-falls-through/>

The **Arrowhead** complex in the San Bernardino National Forest, California (*Arrowhead* brand), which is currently the subject of a California State Water Resources Control Board investigation into your company's questionable claim to the tens of millions of gallons of water you remove annually from these public lands.

The **Ruby Mountain Springs** complex in Chaffee County, Colorado (*Arrowhead* brand), for which your company is currently seeking a ten-year permit extension despite significant public opposition, including concern over an unfulfilled promise made when the original permit was approved to permanently conserve an undeveloped property along the Arkansas River.

The **White Pine Springs** complex near Ewart, Michigan (Ice Mountain brand), where your company's effort to increase withdrawals to 400 gallons per minute has been mired in controversy and remains subject to a final permitting decision by Michigan's Department of Environment, Great Lakes and Energy. A formal complaint has also been filed with the Michigan Attorney General regarding the serious environmental damage already documented in the ecosystem of the two streams involved at a withdrawal of 150 gallons per minute. The public's overwhelming opposition to this extraction is crystallized by the disparity between your company withdrawing hundreds of thousands of gallons a day for a nominal fee just 120 miles from Flint, where access to safe, clean drinking water remains a struggle for residents.

The **Ginnie Springs** complex near High Springs, Florida (*Zephyrhills* brand), where your company is seeking permission to increase withdrawals to nearly 1 million gallons a day, further threatening the flow of the endangered Santa Fe River's iconic freshwater springs.

The **Aberfoyle** complex of Nestle Waters Canada in Wellington County, Ontario (*Pure Life* brand), where your activities have inspired advocates to seek government approval for a plan to entirely phase out water-taking permits for bottlers.

While your company has publicly stated that the decision to sell your bulk water brands is based on business judgments, namely the desire to focus on premium water brands, there is little doubt that the nature of your bottling business and its adverse hydrological and environmental effects have negatively impacted your brand. Indeed, Mr. Schneider told *The New York Times* as much in June, admitting that 'environmental concerns' had hurt sales.<sup>4</sup>

We further believe that the controversies that have dogged your company are likely to have a significant bearing on the decision making of potential buyers (including some entities copied on this correspondence), who would themselves be inheriting both the toxic assets at the root of your conflicts with the public and the resulting reputational shadow.

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<sup>4</sup> <https://www.nytimes.com/2020/06/11/business/nestle-us-water-business.html>

We therefore believe it is Nestlé's minimal responsibility -- to the communities and the environment that have sustained your business -- to divest these assets prior to any sale of your bulk bottled water brands. Indeed, to simply walk away from the adverse impacts of your business and pocket billions in profits and the proceeds of a sale after publicly taking on the mantles of 'shared value' and 'environmental sustainability' would be a betrayal of your purported commitment to these very values.

We request that when the rights to these waters are privately owned, you revert those rights to the public trust, including through direct transfer to a park or other publicly controlled institution, to Indigenous peoples on whose treaty lands Nestlé operates, or through the creation of a conservation easement. Where access to waters is publicly granted, we request that you cease water extraction at these sites and abandon these permits and any associated rights. In all cases, it is critical that the company engage directly and meaningfully with local stakeholders, including Indigenous peoples, about the ultimate disposition of these waters.

Over the last several years, Nestlé Waters has made a series of limited commitments to improve the sustainability of your business, from increasing the recycled content of your bottles to replenishing the watersheds from which you remove water. While many of our organizations have been critical of these promises—and none believe that water bottling can ever be truly environmentally sustainable—we also believe that taking the above divestment actions can be one small step towards reconciliation with local communities, Indigenous peoples and ecosystems negatively impacted by Nestlé's business practices.

That is particularly crucial today, as drought-fueled wildfires burn in the western United States and communities around the US and Canada fight for access to clean, affordable water. Indeed, these concerns and others have inspired lawmakers in a series of US states and in Ontario, Canada to propose new, wide-ranging regulation of the bottled water business, from bulk extraction royalties to compensate the public for the use of a shared resource to limitations on the transport of water outside of the region from which it was taken.

We request that you immediately begin a dialogue with local stakeholders about how best to revert these waters back to public control; their perspective is paramount. Additionally, should you be interested in discussing this proposal we invite you to contact Michael O'Heaney, the Executive Director of the Story of Stuff Project, at [michael@storyofstuff.org](mailto:michael@storyofstuff.org).

Thank you for your consideration.

Sincerely,

The Story of Stuff Project  
Corporate Accountability International  
SumOfUs  
Food & Water Watch  
Campax

Wellington Water Watchers, Ontario  
Unbottle & Protect Chaffee County LLC, Colorado  
Our Santa Fe River, Florida  
Michigan Citizens for Water Conservation (MCWC), Michigan  
FLOW (For the Love of Water), Michigan  
Steve Loe, Retired Biologist, US Forest Service, San Bernardino, CA  
Amanda Frye, Redlands, CA

CC:

The Coca-Cola Company  
Pepsico  
Primo Water  
Niagara  
Refresco  
Apollo

United States Forest Service  
California State Water Resources Control Board  
California Department of Fish & Wildlife  
Chaffee County Planning Commission  
Colorado Department of Environmental Quality  
Michigan Department of Environment, Great Lakes, and Energy

Prime Minister Justin Trudeau  
Ontario Premier Doug Ford  
U.S. Representative Harley Rouda  
U.S. Representative Rashida Tlaib  
Michigan Attorney General Dana Nessel  
Florida Representative Anna Eskamani