

"Nestlé Is Trying to Break Us": A Pennsylvania Town Fights Predatory Water Extraction

<http://www.truth-out.org/news/item/35780-nestle-is-trying-to-break-us-a-pennsylvania-town-fights-predatory-water-extraction>

Monday, 25 April 2016 00:00 By [Alexis Bonogofsky](#), Truthout | Report

[Help Truthout keep publishing stories like this: They can't be found in corporate media! Click here to make a tax-deductible donation today.](#)

Donna Diehl, a 55-year-old school bus driver from Kunkletown, Pennsylvania, a small historic town located on the edge of the Poconos, wanted to do three things this year: drive the bus, paint her bathroom and learn to crochet. Instead, Diehl, along with dozens of her neighbors, is spending her time trying to stop the largest food and beverage corporation in the world from taking her community's water, putting it in bottles and selling it for a massive profit.



Kunkletown, Pennsylvania. (Photo: Shaun D. Mullen)

Nestlé Waters, the North American subsidiary of the Swiss-owned Nestlé Corporation, had been active in Kunkletown for years, conducting well testing on a privately owned property adjacent to Diehl's home. Last summer, residents noticed Nestlé had rented an office in the local community center. Word spread, and with some investigation, Diehl and her neighbors found out that the transnational corporation had been active in the community as early as 2012, testing water quality and quantity with the ultimate goal of constructing and operating a bulk water extraction facility.

"One of the things that opened my eyes was the amount of profit for Nestlé. It's unreal."

In the permit application that Nestlé Waters filed with the Township, it states the company is proposing to drill two large wells, pump 200,000 gallons of water per day from the aquifer, put it in trucks and transfer it to an existing bottling facility near Allentown, about 20 miles away. It expects 60 truck trips through the town per day. And Nestlé isn't going away anytime soon: It plans to pump for 10 years with an option to continue pumping for an additional 15 years, leading to the removal of 73 million gallons of water from the aquifer over the life of the wells.

Concerned residents dove into their local township files and found out that in May 2014, an ordinance was surreptitiously changed in the Eldred Township zoning rules to allow bulk water extraction to occur in a commercial zone. That small, but important rule change opened the gate for Nestlé to submit a permit application for bulk water extraction, which, before May 2014, was explicitly illegal in places zoned for commercial use.

Don Moore, an engineer who maintains a blog where he documents, in great detail, the fight to keep Nestlé out of Kunkletown, couldn't believe what he was reading.

"One of the things that opened my eyes was the amount of profit for Nestlé. To take all this water and hardly any cost. It's unreal," he said.

Diehl organized a community meeting, which took place in her backyard, with about 25 people.

"We knew we had to stop it, but at the time, we didn't know how," Diehl told Truthout.

Global Water Scarcity on the Rise

Kunkletown residents' effort to keep Nestlé out of their community is not an isolated or parochial fight. Nestlé, which has the largest share of the bottled water market in the United States, is looking to secure and privatize water resources in the US and around the world.

According to data from the United Nations, around 1.2 billion people, or almost one-fifth of the world's population, live in areas of physical water scarcity, and 500 million people are approaching this situation. Another 1.6 billion people, or almost one-quarter of the world's population, face economic water shortages.

"Companies like Nestlé don't see this situation as a public health crisis. They see it as a business opportunity."

Exacerbating this scarcity are the real and devastating impacts of climate change. The number and severity of droughts caused by climate change are intensifying across the globe and the United States. As of April 7, [37 percent of the United States](#) was experiencing at least moderate drought. These droughts are causing people to draw more and more from groundwater, which the US Geological Survey has found to be [declining nationwide](#).

To make matters worse, governments are not investing enough in public water infrastructure. According to the Environmental Protection Agency, the nation's [drinking water utilities need \\$384.2 billion in infrastructure investments](#) over the next 20 years for thousands of miles of pipe as well as thousands of treatment plants and storage tanks to ensure the public health. Consequences of this inadequate investment have been seen in recent high-profile public health crises in [Flint, Michigan](#), and the [New Jersey public schools](#). Internationally, the UN finds that investment in public water systems and infrastructure is at an [all-time low](#).

John Stewart, deputy campaigns director for Corporate Accountability International, sees the intersection of water scarcity, climate change and decreased investment in public water infrastructure as a perfect storm for corporations to move in, privatize the water and profit from a shared resource.

"Companies like Nestlé don't see this situation as a public health crisis. They see it as a business opportunity," Stewart told Truthout.

Bottled Water Is Big and Getting Bigger

Bottled water is big business. According to the International Bottled Water Association, the leading industry lobbying group, in 2013, Americans drank over [10 billion gallons of bottled water, generating \\$12.3 billion](#) in revenue for beverage companies. This amount was more than double the revenue recorded in 2000. Americans spent \$18.82 billion in 2014 purchasing what comes, basically free, out of the tap.

Internationally, bottled water consumption is estimated to have neared 70.4 billion gallons in 2013, according to data from the latest edition of Beverage Marketing's report "The Global Bottled Water Market." Consumption increased 6 percent in one year and is projected to grow. In fact, the International Bottled Water Association predicts the largest growth in bottled water to be in poor countries, where access to safe and clean water is not necessarily a given, and public water infrastructure is severely underfunded.

Environmental impacts of bottled water are well documented. Millions of barrels of oil are used each year to produce the plastic containers, and Americans alone throw away over 60 million plastic bottles, which end up in

landfills, each day. In addition, for every liter of bottled water produced, it takes three liters of water to produce it.

"Privatizing and bottling water isn't a solution for securing access to clean water. Clean water is a human right."

Among the companies that sell bottled water, Nestlé is the biggest, owning 52 different brands of bottled water internationally and controlling 40 water extraction sources in North America alone. The company, which owns brands such as Arrowhead, Deer Park, Poland Springs and Ice Mountain, pumps billions of gallons of water out of the ground each year, and pays very little for actual water besides its leases to private landowners. Then it charges up to [2,000 times more](#) for that water than it would cost just to turn on the tap. The company couples its low overhead with highly sophisticated marketing and public relations campaigns to convince people that bottled water is safer and better tasting than tap water. Meanwhile, the company uses names and images that suggest the water is from a pure, untouched mountain spring, when in many cases it comes directly from a [municipal water source](#), and its sales and profits keep going up.

Stewart, who monitors Nestlé's activities nationwide, finds that its playbook is the same in every community they target for industrial water extraction.

"They identify small, rural communities, many times economically depressed, that they think they can roll over and who they think might be susceptible to promises of jobs and tax revenue," he said.

Communities Are Fighting Back and Winning

However, in many parts of the country, targeted communities are resisting domination by Nestlé. In [McCloud, California](#), town leaders signed a 50-year agreement in which Nestlé would pay one sixty-fourth of a cent for a gallon of water and then turn around and sell it for more than \$1 per gallon. Residents fought a six-year battle to have that agreement thrown out and eventually won in 2009.

Residents of Wacissa, Florida, have also successfully fended off the company with a sustained grassroots organizing effort, along with passing a local ordinance that would require any bottling operation to be approved by four out of the five county commissioners.

In California, which is experiencing severe drought, an investigation by [The Desert Sun found](#) that Nestlé has been drawing water from the San Bernardino National Forest -- 36 million gallons last year alone -- using a permit that expired in 1988. The Sun also found that the company was only charged an annual permit fee of \$524.

"Nestlé is trying to break us, but I'm absolutely optimistic that we'll win."

The Story of Stuff and the Center for Biological Diversity sued the Forest Service in October 2015, making the argument that the agency has violated the law by allowing Nestlé to take water without a valid permit and that their water removal threatens sensitive habitat. In response to the lawsuit, San Bernardino National Forest is proposing to issue Nestlé a five-year permit after conducting an environmental analysis of the operations and its effects on the forest. Nestlé is allowed to keep operating during the study, which could take up to two years to complete. The groups are moving forward with the litigation.

Meanwhile, 1,000 miles north of San Bernardino National Forest, the residents of Cascade Locks, Oregon, are trying to stop Nestlé from opening its first bottling plant in the Northwest. They have organized a [ballot measure](#) to put in front of voters this May, which, if it passes, will prohibit bottled water operations in Hood River County.

Stiv Wilson, director of campaigns from [The Story of Stuff](#) -- a nonprofit organization that coalesced around a [20-minute movie](#) about the way we produce and throw away all of the material objects in our lives -- is working to help Cascade Locks activists and communities all over connect the dots and build solidarity.

"No community needs to start at square one," Wilson said. "We know how to fight back and we know how Nestlé works."

The communities who are in Nestlé's sights are not only working to protect their local watersheds, but also are on the front lines of the ideological battle of what water is. Is it a commodity to be sold on the global marketplace or a public good that all humans have a right to?

"Privatizing and bottling water isn't a solution for securing access to clean water," Wilson said. "Clean water is a human right."

Wilson finds that Nestlé understands what governments seem not to -- that clean and accessible water is the most important resource in the world. They are trying to secure the rights to it, one small, rural community at a time.

The Water Wars in Kunkletown

Back in Kunkletown, residents have organized and fought back hard against Nestlé's attempts to move in. And, from all accounts, they are winning.

Once they realized what was happening, the residents formed an informal community group to fight Nestlé, and five of those residents retained a lawyer. On December 17, 2015, Diehl and four others filed a lawsuit against the Eldred Township Board of Supervisors alleging the area's zoning rules were surreptitiously and unlawfully changed. In January 2016, 120 residents and one business submitted a petition to intervene on behalf of the five plaintiffs, solidifying community support of their actions.

On February 18, 2016, the Eldred Township Planning Commission, which serves in an advisory role to the Zoning Board, held a public meeting, with Nestlé representatives and attorneys in attendance to present on the project and answer questions. During the four-hour, often contentious meeting, people stood up and directly challenged Nestlé and their actions leading up to that moment.

"I go door-to-door in this community, 98 percent of the people are against it. Most of the people in this community are dead set against it," Desiree Jaeckle said. "Why didn't you find that out before you decided to extract your water?"



Desiree Jaeckle speaks at the Eldred Township Planning Commission public hearing on February 18, 2016, in Pennsylvania. (Image: YouTube video of hearing)

In March 2016, the Planning Commission voted unanimously to recommend that the Eldred Township Zoning Board outright deny Nestlé's application. In a [24-page letter to the Zoning Board](#), the Commission stated:

The eleventh hour amendment to the 2014 Eldred Township Zoning Ordinance that changed water extraction from an industry use to a manufacturing, light use was not the result of proper planning, but instead the efforts of a few, limited interested parties.

Among the litany of reasons for which the Commission recommended denial, it cited the fact that Nestlé's test wells diminished the flow of a nearby stream by 12 percent and resulted in a drop of two wells on adjacent properties. It also emphasized the impact of the public opposition to the project. The Commission's document stated:

It should be initially noted that public comment at the Planning Commission's public meetings on Nestlé's application was unanimously, and vociferously, in opposition to the Project, and its expected negative impact on current and future uses in the Township and the desirability of residing and doing business in the Township. The Planning Commission places great weight [on] the public comment that was received, and believes it is representative of general public sentiment in the Township on the Project.

The Zoning Board has yet to make a decision on whether to grant Nestlé a permit and is going through the process of interviewing experts but locals are hopeful that it will make the right decision, and if it doesn't, they are certain their legal challenge will succeed.

"We have wonderful water here and we will protect it. Nestlé is trying to break us," Diehl told Truthout. "But I'm absolutely optimistic that we'll win."

Copyright, Truthout. May not be reprinted without [permission](#).

[Alexis Bonogofsky](#)

Alexis Bonogofsky is a fourth generation Montanan, rancher and anti-coal organizer who was featured in the recent climate change documentary *This Changes Everything*. In 2014, she was awarded a Cultural Freedom Fellowship from the Lannan Foundation.

Related Stories

[Nestle Has Expanded Its Water Empire to Include Colorado](#)

By Judy Molland, [Care2](#) | News Analysis

[Activists "Shut Down" Nestle Water Bottling Plant in Sacramento](#)

By Dan Bacher, [Indybay](#) | Report

[Why the US Love Affair With Bottled Water Has to Stop](#)

By Tara Lohan, [AlterNet](#) | News Analysis