1) Issue FE-2015-6 – Solid Surfacing Materials (Proponent J.Spencer)

J.Spencer explained the background and details concerning the issue paper, detailing his work over the last 1-2 years (lengthy description; see issue paper for details). He also read off M.Kohler’s quote from the Slippery Rock Gazette (enclosed in the issue paper). Bottom line was the subpar materials being used from other countries to produce questionable solid surface materials claiming to be NSF certified.

Ended his presentation asking that the Joint Committee consider reclassifying quartz appropriately so this industry doesn’t end up like the lumber industry with toxic goods being produced and marketed erroneously.

T.Johnson suggested this seems to be an issue of the NSF mark being misapplied and not really a Standards issue, asking M.Kohler if this is being pursued legally. M.Kohler said there is enforcement action in progress. M.Kohler added however from a certification standpoint we are referring to solid surfacing material. This is what is certified. So when the certification is complete prior to the construction of the finished goods, some manufactures are taking this product and using it in a location that the product is not certified for. He then explained how splash zone and food zone goes through toxicology review and listed.

M.Kohler suggested there are 3 different paths to take here:

- Education to customers – this is why he wrote the article
- Enforcement of any misrepresentation – follow up on any inaccurate product literature/websites.
- Does this Joint Committee want to make a change to the standard adding specifics of surfacing materials, something like “all surfacing materials must meet food zone” – the issue here is that these materials are already used in non food areas

D.Negandhi suggested this was similar to standard 7, specifically with refrigerators intended for packaged food only. To reduce this misuse, we label the equipment.

D.Negandhi asked J.Spencer if this was a lack of education to the people making the finished product. J.Spencer indicated this was indeed part of this, but a greater part of this is intentional misuse, and he spent a few minutes explaining how it’s being abused.

S.Burton-Zick agreed there is a huge need for clarity, adding that industry at all levels has been very cavalier with using the NSF mark, from the design of all the wholesale usage of solid surface materials, to the front of the house and back of the house use. She explained that this material began by replacing many porous materials like wood in front of the house applications. The fine print state “splash zone”, but it says NSF on it so regulators and consumers think it “must be ok”.

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T. McNeil reiterated this seems like an enforcement issue for NSF and provided an example of retail equipment side by side in the store, one was half the price the other, both had NSF Certification Marks, but the cheaper one only had piping that was certified. Consumers don’t know or care, they simply see the NSF mark and think its ok.

At this point G. Liggans asked J. Spencer to clarify what is being asked for in his proposal. J. Spencer indicated he was looking for a new standard so as to not affect what is already approved in the current standard.

E. Brasseur read a small portion of Standard 51 relative to splash zones stating that 95% of these areas are covered with solid surfacing material. E. Brasseur asked the group if there are some splash zones where this wouldn’t be allowed, adding the example if this JC allowed polyethylene in splash zones, there might be an issue with this too.

J. Brania agreed that D. Negandhi’s suggestion regarding labeling had some merit. Asked J. Spencer about what he referred to as ANSI 53, to which he confirmed he was using this number only as a place holder to represent a “new” Standard. J. Brania asked once this new Standard referenced 51, what else would it do. J. Spencer explained the reason to separate these out is to not confuse the other safe materials already in Standard 51. J. Brania suggested there is enough information here to warrant sending this to task group.

T. Johnson questioned why there is a difference regarding testing of these different materials, adding why shouldn’t we also be concerned with other food zone areas. T. Gagliardi added that he agreed with S. Burton-Zick’s comment that if there is no label, and regulators see material and don’t go to the source to find out the truth, they may also think this material is acceptable.

J. Scanlon then suggested a subtle change to the NSF mark itself, to which M. Perez reminded the group that certification is not within the purview of this group.

J. Hipp finished the discussion by suggesting Standard 51 be modified to require a marking.

**Action**

Motion by J. Brady: Refer this issue to Standard 51 task group

Second: S. Schaefer

Further discussion: S. Burton-Zick suggested labeling a good idea, but we’ll have to be mindful of these pieces “losing” their label once cut and formed into the pieces we see installed in the field. D. Negandhi then asked if there could be a section in Standard 2 as well, to which M. Perez...
said the task group can decide. J.Brady added that there is application of this material in both Standards 7 and 4 as well, so the best final location for this language is in Standard 51. Another 15 minutes of discussion surrounding the enforcement of the standard then T.Gagliardi called the motion to question. J.Brady said he wanted this motion to be broad because it might raise issues we don't yet know about. M.Perez then called for a vote.

Vote: Twenty-four in favor, One opposed, Zero Abstain

Motion: Carries

T.McNeil asked if the task group should also discuss enforcement of the mark, to which M.Kohler said NSF is already looking at this; websites change every day so this is difficult task to handle, but in any event enforcement is not part of this committee.