DWA Task Group on New Optional Lead Requirement Update

Joint Committee (JC) Chairperson France Lemieux called the meeting to order and welcomed everyone. M. Leslie read the antitrust statement and took attendance.

F. Lemieux provided a brief background on the issue and reviewed the charge of the task group. The task group was asked to develop proposed criteria for an optional, more stringent requirement under NSF/ANSI/CAN 61 for lead release for sensitive populations, using one of the following approaches: a lower Q value, an additional requirement for the average lead release of test samples on Day 3, or both. Unfortunately, the task group was unable to reach a consensus, so the task group chairs forwarded the proposal that included both options for the JC to review and consider. F. Lemieux reminded the group that this teleconference is meant to be informational only; no vote or other formal action will be taken at this time. Today’s discussion will be followed by an electronic straw ballot so that all JC members will have the opportunity to respond. She also reiterated that this is intended to be an optional requirement only.

J. Ballanco added that the idea was to take section 9 products and allow for evaluation to a lower lead level, hopefully without additional testing. He noted that this is similar to what was done for Annex G. J. Ballanco reported that the only thing the task group agreed with was to create a separate annex rather that include the optional requirement within the body of standard. The options proposed were a revised maximum Q value of 1.0 µg for endpoint devices and 0.5 µg for supply stops, flexible plumbing connectors and miscellaneous components, an additional average lead dosage measurement on Day 3 not to exceed 3 ug, or both requirements. He reported that a straw ballot was sent to the task group and that no consensus was reached. He noted that those that supported the options voted for both the revised Q value and Day 3 requirement. Many opposed both options. Most manufacturers in the group did not support either proposal.

The question was raised on how the new optional requirement would be implemented. It was noted that historically certifiers have given manufacturers time to comply with a new requirement. M. Sigler asked the group for feedback on whether it would be better to have this optional requirement listed within the body of standard instead of a separate annex. He expressed concern that although the intention is to be optional, once the annex is published some states may adopt it into law and make it mandatory, just as they did for Annex G. M. Sigler reported that he has received feedback from some manufacturers that it may take up to three years to comply. He referred to the example of Tables B3a and B3b, in which both options are being listed within the standard for a period of time. Would this be a better approach than creating a standalone annex that the states could reference? F. Lemieux stated that with regards to Annex G, it was clear that the intention was to change the requirement. The issue was being driven by California. In this case, the intention is to create an optional requirement only.
J. Ballanco stated that discussion from the first task group teleconference indicated that there was already a large number of products that could meet the new optional requirements. However, this could create ambiguous markings. Adding the language within section 9 could cause a delay in being able to identify the markings of the lower products currently able to meet the requirement. It was suggested that the creation of a separate annex would provide an easy way to identify compliance via a marking (e.g., meets “Annex X”).

The question was raised that if the annex itself indicates that it will become a requirement in the future (e.g., 3 years), would that make it less likely for a state to adopt the annex ahead of that timeframe. It was reiterated that it was never the intent of the JC to make this a mandatory requirement. If the group wants to do that it would be a new and separate charge to consider. It was noted that it is a state’s responsibility to implement this as a requirement. That is outside the purview of the Joint Committee.

G. De Jarlais expressed his concern that the Day 3 requirement seems arbitrary. M. Schock explained that the Day 3 option was derived from data reviewed from the previous task group. He noted that the data shows that a large percentage of products that met the Day 3 requirement also met the tighter Q value.

C. Haldiman stated that to suggest that the new requirement optional is misleading; the standard may indicate that its optional but if the states adopt it won’t be optional for manufacturers.

The meeting was adjourned.

Meeting Participants

Joint Committee Members
Chairperson, France Lemieux (Health Canada)  
Julius Ballanco (J.B. Engineering)  
Brian Bernados (California Waterboards Division of Drinking Water)  
George Dejarlais (Badger Meter)  
Kathryn Foster (NSF)  
Kyle Frakes (Tnemec)  
Douglas Frederick (UL, Inc.)  
Jacob John (Uponor)  

Andrew Kireta (Copper Development Assn.)  
Kristin Licko (WQA)  
Richard Lorenz (City of Westerville)  
Paul Olson (AWWA)  
Mike Schock (USEPA)  
Matt Sigler (PMI)  
Susan Teefy (East Bay Municipal Utility District)

Joint Committee Members not in attendance
Nate Buzard (Viega LLC)  
Richard Carrier (Health Canada)  
Dean Denny (Lavelle Industries)  
Franco DiFolco (CSA)  
Oleh Dzydzora (United Water Suez)  
David Heumann (LA Dept. of Water and Power)  
Jeff Johnson (Washington State Dept. of Health)  
Jeff Kempie (USEPA, Office of Groundwater and Drinking Water) – via phone  

George Lai (Ontario Ministry of the Environment)  
Bruce Manning (CH2M HILL) – via phone  
Clifford Mcclain (Moorhead Public Service)  
Mark Morrison (Sherwin-Williams Co.)  
E. Nieminski (Utah Dept. of Environmental Quality)  
Andy Olah (Lubrizol)  
Sanjay Ray (Truesdail)  
Tim Reski (Minnesota Rubber)  
Jim Springer (Greater Cincinnati Water Works)

Observers
Abbie Batog  
Andrew Bain  
Siyen Chen  
Don Connolly  
Tina Donda  
J.P. Fay  
Chris Haldiman  
Rich Houle  
Mandy Huntoon  
Matthew Marble  

Scott Randall  
Michael Spiering  
Lakshmanan Viswanathan  
Joe Wallace  
Jamie Wilkes