TO: Joint Committee on Drinking Water Additives – System Components

FROM: France Lemieux, Chairperson of the Joint Committee

DATE: October 23, 2019

SUBJECT: Update on straw ballot for optional lead requirement under NSF/ANSI/CAN 61.

Joint Committee Members,

This is to provide you with an update on the proposed revision that would add an optional, more stringent requirement for lead release for section 9 devices in an annex to the standard. Results of the recent straw ballot (August 5th, 2019) are as follows:

Voting Statistics

| Number of votes cast (excluding abstentions) | 25 |
| Eligible members who have voted | 29 of 33 | 88% |

Voting Summary per Option

<table>
<thead>
<tr>
<th>Option</th>
<th>Number of Votes</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Send a formal ballot for a proposed new optional lead requirement annex as proposed by the task group chairs with a revised Q and Day 3 requirement.</td>
<td>15</td>
<td>60%</td>
</tr>
<tr>
<td>Send a formal ballot for a proposed new optional lead requirement annex having only a revised Q value.</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Do not send out a formal ballot for a proposed new optional lead requirement annex, w/comment</td>
<td>10</td>
<td>40%</td>
</tr>
<tr>
<td>Abstain</td>
<td>4</td>
<td></td>
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A simple majority is required for straw ballots, and the above summary indicates that the JC supports moving forward with a formal ballot. However, a number of comments (attached) were also submitted with the recommendation to improve the proposal by including a note to address a transition/phase-in period and that the JC move from that of an optional requirement to a new mandatory requirement to replace the current Q value of 5 µg after a period of three years. Comments indicated that specifying an intended phase-in period may reduce the risk that some states may choose to adopt the more stringent requirements immediately.

A formal ballot will be submitted in the next few days. In the meantime, please feel free to contact me if you have any questions.

France Lemieux
Joint Committee on Drinking Water Additives
c/o Monica Leslie
Joint Committee Secretariat,
NSF International
Tel: (734) 827-5643
E-mail at: mleslie@nsf.org
### Straw ballot on proposed optional lead requirement

#### Comments

<table>
<thead>
<tr>
<th>Name</th>
<th>Company</th>
<th>Recommendation</th>
<th>Reason</th>
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<tbody>
<tr>
<td>DeJarlais, George</td>
<td>Badger Meter</td>
<td>Do not send out a formal ballot for a proposed new optional lead requirement annex.</td>
<td>1--As discussed at the recent teleconference, creating an optional annex would result in an immediate implementation if a local administrator were to call for this option, thereby providing no phase-in period for manufacturers. 2--The impact on current product listings needs to be further evaluated. While data provided by NSF Int'l may be of interest, I suspect that many/most of the affected products are listed with other certifying bodies.</td>
</tr>
<tr>
<td>Olson, Paul</td>
<td>AWWA</td>
<td>Do not send out a formal ballot for a proposed new optional lead requirement annex.</td>
<td>I am in support of finding a solution that enhances the protection of public health, both for schools and sensitive populations, as well as for general product users. Doing so in a manner that provides efficiency in the marketplace, that provides reasonable mandatory lead requirements for manufacturers, and that provides a reasonable time frame for implementation seems like the most pragmatic approach to ensure good results and effect. I would support pursuing a revised Q and Day 3 requirement in the body of the standard as a consistent mandatory requirement for section 9 devices, with a reasonable phased in approach for manufacturers (I would suggest 2 years). Also, a previous member comment mentioned source water contamination as a significant source of lead. The EPA notes that &quot;The most common sources of lead in drinking water are lead pipes, faucets, and fixtures&quot; and CDC notes that &quot;Lead is unlikely to be present in source water&quot;.</td>
</tr>
<tr>
<td>Sigler, Matt</td>
<td>Plumbing Manufacturers International</td>
<td>Do not send out a formal ballot for a proposed new optional lead requirement annex.</td>
<td>Further discussions should be had amongst stakeholders to arrive at a solution that better serves the public in the long run, such as the proposed optional requirements being included in the body of the standard in a similar manner to what was done with the extraction water tables (where Table B.3a is eliminated from the standard after August 2020 or a period of five years from the adoption of Table B.3b). By including the optional requirements in the body of the standard in a manner similar to what was done for the extraction water tables, a manufacturer can choose to comply with either the optional Q value and Day 3 requirements or the current Q value in Section 9.5.1 for a period of time (which based on faucet manufacturers that are members of PMI should be no less than 3 years). Once the optional requirements become mandatory, all manufacturers would be forced to comply versus only those manufacturers that choose to comply with an optional annex which in the long run is better for the public.</td>
</tr>
<tr>
<td>Ray, Sanjay</td>
<td>Truesdail Laboratories</td>
<td>Do not send out a formal ballot for a proposed new optional lead requirement annex.</td>
<td>Reason: 1) The goal should be to reduce lead levels throughout the plumbing system. This ballot only addresses a single product type (faucets) and not valves, meters, fittings, manifolds and other mechanical devices. 2) The ballot while presented as &quot;optional&quot; would not be optional once it became part of the standard any more than Standard 61 is optional. 3) The ballot does not include a provision for a time-to-comply for manufacturers. 4) The task group recommendation did not support proceeding with this ballot. While it is within the &quot;rules&quot; to proceed with a ballot that was not supported by a task group it is unprecedented.</td>
</tr>
<tr>
<td>Buzard, Nate</td>
<td>Sioux Chief Manufacturing</td>
<td>Do not send out a formal ballot for a proposed new optional lead requirement annex.</td>
<td>Upon reading through the straw poll provided for review online there seems to be a huge disconnect within the task group membership as to what the scope of this group even is. Seven times the response of the co-chairs told different members of their own task group that their concerns and/or opposition to the proposal were beyond the scope of the task group. How can that be? How can there be so much confusion about a day one agenda topic such as scope? It is clear that there is much work to be done within this task group and to bring such an item to the Joint Committee is premature. If our Joint Committee chair needs to redefine the scope and a new task group be formed.</td>
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</table>
**Di Folco, Franco**  
**CSA Group**  
*Do not send out a formal ballot for a proposed new optional lead requirement annex.*  
Without task group consensus and support, it is unlikely that this will pass a formal ballot. This indicates that more task group work is required that will arrive at a holistic and consensus solution. As indicated in other comments, lowering the Q value will not solve the source of the problem. Furthermore, I believe that we need to re-look at the Q-value itself and the value (if any) it currently brings to the table. Q-value was an import and relevant way of evaluating lead over a period of time, when end point fittings were manufactured with significantly higher levels of lead containing alloys. I question its value in evaluating products manufactured using today's alloys. I question the significant cost (lab time) associated evaluating for Q. These efforts and resources should be used in a more productive way to solve this issue.

**Denny, Dean**  
**Harwick Standard**  
*Do not send out a formal ballot for a proposed new optional lead requirement annex.*  
I don't think the industry is ready for the lower lead requirement at this time. It seems more prudent to allow the manufacturers to help form the time table on when the standard should be lowered.

**Palkon, Thomas**  
**IAPMO**  
*Do not send out a formal ballot for a proposed new optional lead requirement annex.*  
The task group needs to be re-formed to discuss solutions that will help solve the lead problems in the US. Upstream plumbing and source water contamination continue to be the biggest source of lead contamination. Simply continuing to lower the Q value will not solve this issue. Because the Q value is a statistical calculation variation in test results collected during the 16 day test affects the Q value. As we continue to lower the Q value variation in test results may cause significant retesting costs or more samples being tested at the same time, it will not do a good job addressing the lead problems.

**Olah, Andy**  
**Lubrizol**  
*Do not send out a formal ballot for a proposed new optional lead requirement annex.*  
I agree with most of the comments in this category:  
1. The requirement should be comprehensive throughout the drinking water system; i.e., considering all components.  
2. A reasonable compliance period should be identified.  
The concerns voiced within these comments indicate that this proposed resolution is too premature for ballot at this time and a comprehensive TG should be established prior to balloting any formal requirement(s).

**Nieminski, Eva**  
**Utah Department of Environmental Quality**  
*Do not send out a formal ballot for a proposed new optional lead requirement annex.*  
An annex will not solve or improve the situation with lead, as it addresses just the end-point devices. This initiative should result in reducing lead throughout the entire plumbing system - in all products and points. In order to result in measurable improvements and consistency, the annex should not be optional but rather implemented as part of the standard. A lower Q value will not solve or improve the problem unless is applied to all components and be required. Since the original task group did not recommend the annex therefore the task group needs to be reinstated with large number of participants, able to recommend a better solution.

**Foster, Kathryn**  
**NSF International**  
*Abstain*  
NSF is supportive of any achievable means to identify products with reduced lead leaching. Our main aim in participating on the Lead in Schools task group was to provide support in the form of data and technical knowledge that will enable the group and the joint committee to make educated decisions on the best means to achieve that goal. While abstaining on this vote, I'd like to make the following comments:  
- Based on NSF’s faucet testing data, reducing the Q criterion to 1 ug is technically feasible and 72% of faucets tested at NSF would currently meet this criterion.  
- Out of 527 faucet tests performed at NSF, only about 1% of products tested that met a Q of 1 had a Day 3 value exceeding 3 ppb. This indicates a limited value in using the Day 3 average as a second optional criterion in addition to reducing the Q criterion to 1 ug. Additionally, the current test reports issued by NSF for section 9 products do not include this calculation, which means this value isn’t readily available to certified manufacturers and would need to be calculated on an individual basis by the certification bodies for every certified product in order to determine compliance to this criterion.
• Having the additional optional requirement(s) appear in an annex of the standard provides a means of marking products that comply with the optional requirements (e.g. "meets NSF 61 Annex X"). If the optional requirements were moved to the body of the standard, an alternate, universal means of marking compliant products should be designated in order to provide clarity in the marketplace.

• NSF would support the proposal from PMI to add language to the standard that would make these optional requirements mandatory following an implementation period of at least 3 years. This would alleviate the concern that plumbing codes and regulatory agencies would make these "optional" criteria mandatory, without a sufficient time for manufacturers to comply while at the same time allowing products that already meet the new criteria to be identified as such in the interim.

| Frederick, Douglas Underwriters Laboratories, Inc. | Abstain | Further lowering of the Q-Stat value seems arbitrary and is not tied to any process in annex A where pass/fail values are typically set |