DWA Task Group on Lead
Draft Teleconference Summary
February 1, 2008

Participants

Lance Agness – Ford Meter Box – CHAIR
Jeff Baldwin – T&S Brass
Brian Bernados – CDPH
Nate Buzard – Viega
Pete Greiner – NSF International
Jeff Hebenstreit – UL
David Heumann – LADWP
Sarah Kozanecki – NSF International
France Lemieux – Health Canada
Shawn Martin – PMI
Lee Mercer – Moen
Sally Remedios – Delta
Rick Sakaji – East Bay MUD
Richard Sykes – East Bay MUD
Steve Tefft – AY McDonald
Jim Wailes – AWWA
Joe Wallace – AO Smith
Bob Weed – CDA
Kevin Wong – CWQA

S. Kozanecki read the antitrust statement and took roll call. L. Agness convened the meeting.

The task group was given an opportunity to comment on the meeting summaries from January 9th and January 25th. No comments were offered. L. Agness stated that anyone who had additional edits should send them via email to S. Kozanecki.

Review of Lead Content Proposal (Annex G)

P. Greiner gave an explanation of the changes that had been included in v5 of the lead content proposal. Those changes included:

- Change in the units for diluted surface area to in^2/m (correction to previously existing language per recommendation; this may require changes in other locations as well);
- Removal of the language addressing lead as an impurity in G.4; and
- Addition of language in G.6 that language on coatings is still under development.

Coatings and Other Lead Removal Technologies

R. Sykes stated that it was previously mentioned that the proposal of Annex G could move forward to a JC ballot without having G.6 developed completely. He asked for confirmation that this was still the case. P. Greiner confirmed that a ballot could be with or without G.6 at the discretion of the task group and that if initially balloted without G.6, work could continue in parallel to further develop the it.

F. Lemieux stated her opinion that coatings should not be included unless the requirement is definitive. She suggested that if there are no other standards to reference that the task group should hold off. P. Greiner agreed; he posed the question to the task group of whether there is value in putting forth a ballot to the JC prior to finalizing the requirements for coatings. R. Sykes stated that the task group was trying to address coatings for small devices because that seemed to address the concerns of the task group members and suggested pursuing this. He stated that for larger devices, coatings were not as pertinent based on the discussions he's had with manufacturers and that the policy should be to not allow them. P. Greiner pointed one drawback in not pursuing the requirements on coatings now is that manufacturers will need directions soon to understand options they have in redesigning products. He pointed out that even if coatings were not included at the first proposal, that work should continue until they are addressed. D. Heumann posited that submitting anything without addressing coatings would be premature. S. Martin suggested a compromise by way of moving forward even if coatings are not included, but informing the JC of what the progress had been at the time of the ballot.

D. Heumann also pointed out that in the resolution of the Prop 65 lawsuits, the consent decree did allow for a treatment process (i.e., coatings) to be used if "reasonably durable". He stated that the criteria specified was a duration of 10 years confirmed by lab and field-testing. R. Sykes suggested that this might not be protective enough from a user point of view.

Location of Lead Content Requirement

S. Martin reminded the task group that they had still not come to any consensus on *where* this requirement should be located. He stated that he would like to discuss writing a new standard and keeping it out of NSF/ANSI 61 due to its potentially negative impact on the standard. R. Sakaji opined that the addition of the lead content standard would not affect the performance part of the standard. S. Martin disagreed, cautioning that its presence would send a confusing message and could affect the acceptability of NSF/ANSI 61 in other states. P. Greiner stated that he did not see the inclusion as a detriment to the whole standard since lead is only one aspect of what is covered; however, he also stated that he was sensitive to the desire not to lessen the effectiveness of NSF/ANSI 61. S. Martin suggested that while the task group obviously has differing opinions and may not be the appropriate group to decide, they should strive to make a recommendation to the JC concerning the location of this requirement. P. Greiner recommended compiling into a one-page paper the task group's opinions on where the requirement should be added. He asked that any thoughts be sent to him at greinerp@nsf.org (or to S. Kozanecki at kozanecki@nsf.org) by February 8, 2008.

B. Bernados reiterated the fact that if this is not included in NSF/ANSI 61, it will not be useful to California due to it being referred to in the proposed Waterworks Standards. This brought up the question that the task group wrestled with previously regarding jurisdiction. B. Bernados tried to reassure the task group that if the requirement were to be included in NSF/ANSI 61, it would meet California CDPH's requirements; if not, it would confuse the issue. He did confirm that its inclusion as an annex, even an optional annex, still satisfied the state of California CDPH. F. Lemieux asked for clarification on the jurisdiction question and B. Bernados confirmed that regardless of the jurisdiction, the CDPH is always consulted and therefore the need is for the requirement to be in NSF/ANSI 61.

P. Greiner stated that there was a comment submitted by Bill Chapin on the NSF Online Workspace suggesting that the references to the specific lead content tolerance of 0.25% be removed so that this could be applied more generally. He stated that his concern with this was that it may lead to difficulties in marking such that it is clear what criteria has been met by a product. He further sated that 0.25% was a reasonable level when referring to a "no-lead" material. Peter stated that the "no-lead" term usually refers to an alloy where no lead has been intentionally added and that the % value given is the maximum level of lead that might be in the alloy due to manufacturing limitations. F. Lemieux agreed that the 0.25% was a reasonable level based on what is present in the market. R. Sakaji suggested a compromise of dropping the 0.25% in the title and adding a note that the level could be adjusted as necessary. This was still felt to leave some ambiguity. C. Selover suggested that other states might follow this pattern (including the 0.25% criteria) so that multiple requirements are avoided. There was some agreement that removing the percentage from the title was a good compromise. The group discussed the advantages and disadvantages of doing so. J. Wallace pointed out that there is a note under MCL's that allows other regulatory requirements to be used in place of MCLs. D. Heumann noted that this could also be used to support the idea of adding additional regulatory requirements to the standard, like that being considered.

B. Bernados reiterated that the reason that this requirement is being considered for inclusion in NSF/ANSI 61 is that it is a more efficient process than changing the regulations themselves. The group then discussed pros and cons of adding this to the Standard. F. Lemieux pointed out that this is an optional requirement and does not constitute an either/or situation. D. Heumann suggested surveying the JC to get their opinions before the task group continued working toward either end.

Review of Action Items

- Continue attempts to recruit a participant from the California BSC. (R. Sykes, R. Sakaji, B. Bernados, M. Briggs, K. Wong, S. Martin)
- K. Wong – recruit experts in coatings to participate on the task group
- All – send comments on where the requirements of Annex G should be located.

The group agreed to meet again on Friday, February 20th from 2-3:30 pm EST.