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December 11, 2007

Lance Agness

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Lance,

In regard to California Lead Requirements (issue DWA-2007-4) and Inclusion/Exclusion in proposed Annex G (issue DWA-2007-31 C.Selover) I would request the lead task group consider the following comments while drafting the CA NL ballot for NSF:

It is critical The California DPH, The California Building Commission, and Richard Sykes all fully participate in drafting and 100% support whatever ballot recommendation is drafted. Their support needs to be confirmed before submitting the ballot recommendation.

The ballot recommendation should follow the intention and letter of AB 1953 as written. This would include specific exclusion of devices as stated in AB 1953.

In regard to proving coatings will last at least as long as the useful life of the product. Although I do not have any expertise in the manner of coatings, it will be difficult to come up with a scientifically proven method that would hold up in a court of law. There are service line components that have been in service for over 100 years. With the history of litigation with Prop 65, in California, it might be in every ones best interest to exclude coatings as an allowable loophole. Taking the extreme devil's advocate approach, are we going to allow wording that would allow a product with 100% lead, with a coating, to meet the requirement? AB 1953 has no mention of allowing coatings, NSF should follow suit.

Mr. Sykes specifically mentions washing processes would not be permissible for the lead content standard. Language should be written into the recommended ballot to exclude them.

The averaging formula is sound, but could lead to potential misuse. Plastic or copper tube length could be added to a product to lower the average lead content below the requirement. I'm not sure how to address this misuse. The maximum lead content per the manufacturer's specification should be used for each component. Manufactures must be able to prove they can maintain process control in order to assure the lead chemistry does not go out of spec. ASTM E255-02 does not recommend the analysis of castings for production control.

When verifying lead content from actual product by an end user or certifier, a wet analysis method, such as ICP or AA, must be used when checking a casting since castings are not homogenous. Wet methods require drillings to be taken from the castings. These drillings should be taken according to ASTM E255-02, making sure the proper number of drillings (5 holes ¼" diameter or larger) are taken in the proper locations within castings (thick and thin sections). Since results from lab to lab may vary, a third party accredited lab agreed upon by both primary parties should be used to retest any samples found to be in question.

In regard to markings, to avoid confusion with the standard NSF 61 certification, a distinct "NL" mark should be established to appear on the packaging under the certifying agency logo. It may make sense to separate this from the 61 standard to reduce the confusion. The manufacture must provide the mark used on the individual product components that signifies it contains less than .25% lead. It is not feasible that this mark be "NSF 61 – NL" because of size constraints of products and the variability in the market. I'm familiar with BI, SI, NL, EB2, E, etc. being used currently, but I'm sure there are other markings in use.

It is important to note there are a number of manufacturers today with the ability to meet a strict .25% maximum lead requirement. The task group needs to establish a simple document that follows the intention of AB 1953, without extra or complicated language or requirements. Time is of the essence.

Thank you for your time and consideration. I do plan to participate in the group's task starting with the December 20th conference call.

Best regards,

Steve Tefft

Vice President of Product Engineering

A.Y. McDonald Mfg Co.

CC: Sarah Kozanecki NSF

Richard Sykes EBMUD