

## NSF Lead Task Group

Pros & Cons for changing NSF 61 to implement requirements supporting California legislation.

### **Pros**

- 1) Beneficial to California for implementation of a means for compliance to their pending legislation
- 2) Attempting to lessen potential lead exposure, through drinking water.

### **Cons**

- 1) Directly in conflict with the *stated purpose* of NSF/ANSI 61. The purpose states:

“This standard establishes minimum health effects requirements for the chemical contaminants and impurities that are indirectly imparted to drinking water from products, components, and materials used in drinking water systems. This standard ...”

This revision would potentially place NSF/ANSI 61 into an “Either/Or” mode in that the proposed change would make testing to the California requirements *optional*. Which, in turn, gives two different compliance criteria. With the California requirements viewed as being more stringent than the current requirements, that creates a different minimum, as referenced in the purpose.

- 2) NSF/ANSI 61 is a National Standard with **Maximum Contaminant Levels** defined by Federal Legislation. It should not be altered or superseded for any States requirements. With that, the California requirements should be placed in a separate document, whether it be a new standard or test protocol.

This standard does allow the Certifying Agency to consider alternative regulatory levels, such as the Canadian Maximum Acceptable Levels (See Note under MCL definition, page 5) but it does not incorporate the Canadian MACs into the standard.

- 3) As stated in the phone conference, this revision is being pushed because failure to have it included would require new legislation in California. It was stated that NSF/ANSI 61 was used for this purpose in California. (I apologize for not remembering the exact wording the gentleman used but the implications were as shown above.)

If this is correct, the precedent is already set, in item two above, in that NSF/ANSI 61 allows the Certifying Agency to use “alternative regulatory levels”.

- 4) As a manufacturer, creating an “Alternate/Optional” section, which is *perceived to be more stringent and restrictive* is not a desirable option, due to implications and perceptions in potential litigation cases.

While it may not be as applicable in this case, a good lawyer could paint a very damning closing against a manufacturer who willingly chose to sell his/her product, that was tested to the section that was *perceived* to be less stringent.

- 5) One of the original topics of discussion, for this task group, was to determine whether or not this item should be placed in NSF 61 or a separate document.

Based on the initial reactions during the Joint Committee meeting, I honestly do not think that this would have the support, to be added to NSF 61.

- 6) As of this moment, there has been no one to say that California would even accept the changes, if they are recommended to the joint committee. This was also one of the original topics for this task group.

This is strictly my opinion, but I think that any recommendation submitted, “differing” from the original request, would not be accepted by California.

In the last phone conference, someone made a comment to the effect of. “If this is not recommended to the joint committee, then I am wasting my time ...” Well, the inability to get anyone, “In Authority” - from California, to participate, makes me feel the same way. Basically, this entire proposal is to help California with the legislation they passed and we still can’t get anyone to participate.