



Memo

To: Sarah Koznecki, Pete Greiner
From: Shawn Martin
Date: February 15, 2008
Re: PMI Member Feedback on Potential Inclusion of Annex G in NSF 61

In response to the action item from the last conference call of the NSF 61 Lead Task Group, I requested of the PMI Membership to submit comments regarding the inclusion of Annex G in NSF 61. The resulting comments revealed that there was no unanimity among the PMI members on this issue, but the majority opposed the inclusion of Annex G in NSF 61. There is a note of pragmatism in some of the responses, stating that while this solution is less than ideal, it does represent a path forward to implement AB1953 in a timely fashion. Nearly to a person, all expressed great concern about the legal link between NSF 61 with Annex G, or a new standard consistent with Annex G.

The comments below are representative of the feedback I received from the membership on the subject.

- Annex G is inconsistent with 61 and should not be included. A separate standard, if NSF wishes to pursue the issue, is more appropriate.
- There is already much confusion about compliance to NSF 61 due to the multiple sections and differing requirements. Adding annex G will only expand the confusion and might result in manufacturers to claim "NSF 61 compliance" without regard for organics toxicity or increased regulated metals leaching.
- Proposed Waterworks regulation revision in progress under Proposition 65 will not likely call for NSF 61 Annex G, and therefore may not be a sufficient legal link to AB1953.
- The inclusion of an optional prescriptive section in NSF 61 is inappropriate and inconsistent with a performance-based standard. Inclusion could lead to the assumption on the part of the public and municipalities that Annex G is an enhancement to the performance-based standard, when there are no studies to show that to be the case.
- This would be the first time a new section is added, not to necessarily improve the standard, but to accommodate a political development in a particular state. This would create a precedent that could result in other such sections, created to accommodate laws developed in other states.
- The addition of Annex G may be necessary, because state regulators do not have the resources or ability to implement regulations quickly enough. While this may be unfortunate, the industry needs a way to move forward and comply with AB1953 in a timely fashion.

The PMI membership has not yet reached consensus, but the majority appears to oppose the inclusion of the proposed Annex G in NSF 61 at this time.