



OVERBUILT IS AN UNDERSTATEMENT.™

MEMORANDUM

To: Sarah Kozanecki

Copy: NSF 61 Lead Task Group

From: Bill Chapin Product Compliance Administrator

Date: February 20, 2008

Subject: Compliance to California H&SC 116875

Sarah,

Thank you for taking the time to solicit comments on this issue. We believe that the work done to create Annex G has been fruitful in that it has made great strides in providing a means to certification if it becomes an acceptable and legal way to show compliance. We appreciate the efforts of the group and welcome most of changes that have come out of said efforts. Our hope is that we as a group can get the ears of the legislators in other States before they accept something as indescribable as H&SC 116875 without performing the extensive research required.

Below is a summary to our opposition of including compliance to California Health & Safety Code 116875 as part of the NSF 61 Standard.

- CA H&SC 116875 does not reference any standard or requirement for third party certification. We do not need to go through all of the analysis and review that is currently required to meet NSF 61 in order to comply with the CA Law. We simply have to certify the leaded surface area. NSF should be willing to provide suitable services if the benefits of doing so outweigh the risks.
- California legislation does not specifically include or exclude the exact same products as NSF 61. While the legislation is intended to protect the citizens of California, it does cater to certain interest groups by excluding specific products. Is NSF willing to support a Standard that makes the assumption that there are no adverse health effects of the lead content in service saddles in California, yet mandate the same product meet the lead leaching requirements of Section 8?
- NSF 61 is a performance based standard and adding what will be prescriptive requirements for most plumbing valves will go against the scope and purpose of NSF 61.
- We have added test methods for coatings and there is no requirement in the law to evaluate anything other than the wetted surface area for lead content. Life expectancy of coatings needs to be part of a product performance standard. This group does not have enough time to develop a test method and pass/fail criteria.
- Adding additional certification to an Annex will increase the already compounding confusion in the field about compliance to only "specific sections" of the standard.

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Manufacturers and laboratories understand the purpose, but regulatory officials still remain confused. A perfect example will be if they see a service saddle listed and perfectly acceptable in California, yet the meter with the same seal is not acceptable?

While NSF 61 is known throughout our industry, to a litigator it is merely a voluntary program, to a plumbing inspector; it is simply another seal or mark to hunt for. Until there is something issued by a legislative authority in the State of California, the best thing for the manufacturers of these products will be to certify to the strict letter of the law and protect themselves legally and not worry about jumping through hoops in an annex in a standard mostly unfamiliar to those with the power and desire to file suit.

Yours in plumbing,

Bill Chapin
Product Compliance Administrator