



MEMORANDUM

From: Lance Agnes, Chair, Lead Task Group
To: Drinking Water Additives Joint Committee
Date: March 21, 2008
Subject: Request for Straw Ballot – Location of Lead Content Requirements

One of the tasks given to the Lead Task Group at the last DWA JC meeting was to make a recommendation whether the proposed lead content requirements should be placed in Standard 61 or if they should reside elsewhere. The task group has discussed this at length and no consensus has been reached. The essences of many of the arguments made for and against inclusion in the standard are provided below. Copies of all comments that were provided in writing can be accessed at this [Annex G location comments](#) folder.

In addition to determining where the requirements should reside, the task group has also been working on the content of the proposed annex. A copy of the revised annex as drafted to date can be accessed [in the standards online folder](#). The revision is complete and potentially ready for ballot. The Task Group has not been able to develop language on how the use coatings and or lead surface treatments should be taken into account when calculating the lead content of products that use them. The use of coatings and treatments will require substantial work to create a durability standard and it may be that these items cannot be included in the annex at this time but may be the subject of a future ballot.

At this point we are asking for a straw ballot of the DWA JC on placement of the annex and if there are any comments or concerns on the draft so far.

Should maximum lead content requirements be placed in Standard 61? Or, should Annex G be created as a stand alone standard with appropriate Section 3 and product section language on inclusions/exclusions extracted from Standard 61?

The following summarizes the essence of comments provided to the LTG. Please reference the comments folder for the full text of those provided in writing.

Reasons to include in Std 61:

1. It is of most use to the State of California in Standard 61 as their Waterworks legislation already references and requires compliance with the standard. In Title 24 (Plumbing Code), the California Building Standards Commission already requires compliance with NSF 61 for plumbing products.
2. The scope of the standard is health effects from chemical contaminants, and a reduction in lead content in the product aids in the reduction of lead contamination at-the-tap.
3. The two requirements can work well together. The new one (restricting content) minimizes the intentional addition of lead and the current one (extraction performance) addresses the potential contamination from materials and processes. The extraction performance (current) requirements are still required on products as drafted, even if the optional lead content evaluation is performed.
4. Although not to 0.25% for brass, most certifiers already impose lead content restrictions for most water contact materials by policy and have done so for many years.
5. The existence of a standard such as Annex G will be influential in shaping either Federal or other States legislation on the same issue to promote uniformity.

Reasons in favor of a stand alone standard:

1. As an optional annex, there are concerns that the addition may either cause confusion or weaken the standard. Questions about which requirement is more effective or which sections of the standard a product must comply, or has been evaluated to, may prevail. The standard has been setup and presented so that the performance standard prevails, unless a lead content standard has to be met. In that case, the performance **and** lead content standard must be met.
2. The restricted content-based approach is not consistent with the methodologies currently in the standard. The standard currently uses an extraction-based performance approach for all potential contaminants.
3. Without references to Standard 61 or Annex G in the CA legislation (AB1953/H&SC116875), and without participation or input from all appropriate CA agencies, there may little value in the requirements if manufacturers can't rely on them as meeting the requirements in the State. Substantive efforts are being made to gain input from the California Building Standards Commission on this annex. Additionally, the California Waterworks Standards now reference NSF/ANSI-61 2005 effective March 9, 2008.
4. If other states adopt lead content requirements less than 0.25%, and those requirements were similarly incorporated into the standard, another level of confusion on what has been attested to by certifications would be created.