

SEN. J. J. ...

WILMA CHAN, ...

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Wilma Chan  
California State Assemblywoman, ret.  
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March 17, 2008

Mr. Lance Agnes  
Chairman  
NSF Lead Task Group for Standard 61  
C/o Sarah Kozanecki  
NSF International  
789 N. Dixboro Road  
Ann Arbor, MI 48105

Dear Mr. Agnes:

I am writing to clarify my intent regarding the requirements of the bill I authored, California Assembly Bill 1953, that was signed into law by Governor Schwarzenegger in 2006 (Chapter 853, Statutes of 2006). AB 1953 provides that commencing on January 1, 2010, the definition of "lead free" for drinking water plumbing in California will change from 8% lead for fittings and 4% lead for fixtures to 0.25% lead for fittings and fixtures, based upon the weighted average lead content of the wetted surface area of the fittings and fixtures.

AB 1953's lead standard is based on current health science. Recent studies have shown us that the effects of lead poisoning, particularly on the long term health of children that are exposed to it, are more harmful and costly than previously believed. Exposure to lead in drinking water can result in severe physical and mental ailments. It is estimated that 10-20% of total childhood lead exposure is from drinking water, and the Centers for Disease Control and Prevention has indicated that there is no safe threshold for blood lead levels in young children.

In authoring AB 1953 it was my intention to physically reduce the amount of lead that can be present in drinking water plumbing. By prohibiting the use of lead (except for trace amounts), AB 1953 is intended to require the faucet industry to cease using lead in the manufacture of faucets.

AB 1953 is based on the well-documented conclusion that we can do better than merely comply with existing "performance" standards that measure the lead concentrations of tap water and allows some amount of lead to leach into our drinking water. From the onset of introducing my bill, I maintained that it is possible to manufacture a virtually non-lead fixture and therefore we must mandate that all of industry must make this change to a safer product.

I am well aware that brass alloys that do not use lead are being used in the US and across the world. These non-lead alloys perform as well as the leaded brass alloys. There are dozens of companies across the US that manufacture these non-lead alloys and there is considerable manufacturing capacity available to serve the market for products that meet California's AB 1953 standard.

It has come to my attention that as NSF moves forward with its process to develop a compliance test for the AB 1953 lead standard, some NSF members are requesting that they be allowed to demonstrate compliance by applying a coating or acid wash to a lead bearing faucet. In other words, they are requesting the status quo - that they be allowed to continue to make lead bearing faucets for California's market even after AB 1953's 2010 deadline. This is absolutely contrary to the intent, spirit, and language of AB 1953.

It was never my intention to allow for the use of coatings or acid washes as a substitute for removing lead from faucets and other drinking water plumbing. In fact coatings and acid washes were intentionally excluded from my bill. In authoring AB 1953, my intent was to eliminate the risk of lead exposure from drinking water by **eliminating the presence of lead** in any component that might come into contact with drinking water.

As my bill passed through the Legislature, it was thoroughly vetted. California's Legislature and Governor all agreed that AB 1953's lead content standard is the appropriate means to reduce lead exposure from drinking water. This rigorous evaluation focused on the use of non-lead materials to replace leaded brasses as a way to comply with the AB 1953 standard. At no time was the use of acid washes or coatings considered as reasonable alternatives for actually getting the lead out of faucets. As a result, AB 1953 requires that faucets meet the AB 1953 content standard and makes no provision for either acid washes or coatings.

At the time my bill was enacted in 2006 it provided industry nearly three and one-half years to comply. As the 2010 deadline draws nearer, I ask that you proceed as quickly as possible to complete a compliance test for AB 1953's lead standard that upholds the intent and letter of this important public health law. Acid washes and coatings do not meet the criteria set forth in AB 1953 and under no circumstances should be permitted as a means to avoid getting the lead out of faucets.

Sincerely,



Wilma Chan

State Assemblywoman 16<sup>th</sup> AD, ret.

Cc: EBMUD