

**DWA Task Group on Lead
Draft Teleconference Summary
November 15, 2007**

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Participants

Lance Agness – Ford Meter Box	France Lemieux – Health Canada
Mike Briggs – IAPMO	Shawn Martin – PMI
Nate Buzard – Viega	Tom Palkon – WQA
Franco DiFolco – CSA	Craig Selover – Masco
Pete Greiner – NSF International	Richard Sykes – East Bay MUD
Dave Heumann – LADWP	Bob Weed – CDA
Jeff Kempic – USEPA	Jim Wailes – AWWA
Sarah Kozanecki – NSF International	Gary Yamamoto – CDPH

Sarah Kozanecki read the antitrust statement and took roll call. Lance Agness introduced himself and welcomed the guests from East Bay MUD and California DPH. He indicated that the question and answer period with these representatives from California was first on the agenda.

East Bay MUD Issue Paper – Question and Answer

Following last month's lead task group (LTG) conference call, a list of questions were collected from members and forwarded to Richard Sykes, Rick Sakaji, and Gary Yamamoto to facilitate today's meeting. In addition, NSF Standards staff had contacted ANSI relative to acceptability of (1) state specific requirements in a national standard and (2) having terms of commerce in a consensus standard. ANSI expressed concerns about both. In response, the issue paper was updated to remove these from the normative requirements in the standard and circulated to the LTG just ahead of this conference call.

Richard Sykes walked through the list of questions provided from the Lead Task Group. The following summarizes his responses and the discussion that followed each question.

- Regarding how the adoption of the procedures in 61 relates to compliance with the legislated requirements in California, Richard indicated that the procedures in 61 would assist regulatory bodies and manufacturers in developing a consistent way to comply. If a manufacturer intended to sell a product in California, they will have to comply. This method was less complicated than implementing it through the State. Gary Yamamoto indicated that California supports the procedure and will accept products as long as they are in concert with the statute. He also reiterated Richard's indication that this was the easier approach since the alternative involves the State developing its own approval mechanism and list of compliant products, which would cause much delay.
- The group discussed the concept of using coatings. Input from manufactures that Richard Sykes had received indicated that coatings were not a cost effective or viable option. Craig Selover advised against disregarding coatings since many manufacturers have indicated that coatings are a viable approach to meeting the standard, especially in his industry (section 9 products). In response to the question regarding the durability of coatings, Richard stated that California would defer to the certifying agency. The state's concern is that the coating prevents water contact with the leaded material over the useful life of the product. As such, they are open to the concept. Craig Selover indicated that he would submit a recommendation for guidance language for certifiers in this area. France Lemieux asked if there was still a requirement in terms of maximum lead content in case of coating failure. Pete Greiner indicated that at 4% lead, there are still a significant number of failures against current lead requirements. Richard stated it was not added as a requirement in this revision as was not a requirement in the legislation.
- Regarding the approach on washing processes, Richard Sykes indicated that such a procedure would not be permissible for the lead content standard. He agreed that this should be clarified in his recommendation.

- Gary Yamamoto commented on California DPH's role in the submittal of this proposal, indicating that they have reviewed the documents and concur with the approach. He also stated that the DPH had tried to put together a position letter regarding adopting these requirements, but it had not made it through their internal process to date. Gary explained that California DPH only has regulatory authority over the distribution system, and that ends at the meter. Richard Sykes indicated that the California Building Commission has authority over the products past the meter. Their code, effective in January, references NSF/ANSI 61. Shawn Martin asked if the California Building Commission had weighed in on this proposal, Richard indicated that they had not. Craig Selover advised getting their input or having them submit something indicating their support. Richard agreed to pursue something from them.
- Richard Sykes addressed additional questions about the link between the standard and legislation, stating that the DPH wants to reference the statute for consistency. Gary Yamamoto stated that this approach was put forward in order to get industry input before implementing.
- Richard Sykes answered a question regarding the timing of the implementation of the link between the California legislation and NSF/ANSI 61 and the back-up plan in case the proposed change is not adopted into NSF/ANSI 61. He indicated that there is a link in the plumbing codes, and there will also be a water works standard that will reference the statute. The hope is to resolve the major issues, but they do recognize that all issues will not be anticipated ahead of implementation, and that revisions to NSF/ANSI 61 may be necessary later.
- Regarding the question of product exemptions that are currently in NSF/ANSI 61 section 9, Richard Sykes indicated that the same exemptions (e.g., tub/shower faucets) would be made.
- Richard Sykes indicated that for kitchen faucets with side sprayers, the intent is that the weighted lead content would include all of the wetted components of the spray in addition to the components of the faucet itself. Pete Greiner stated that under Standard 61 it has been established that the side sprayer is used for drinking water applications, however, the two can be treated as separate devices. He indicated that this could be better clarified in the annex. Richard agreed.
- A question was posed regarding faucets with two waterways – one for tap for washing and one for filtered water. Richard again indicated that it would be cleanest to approach this as a single device.
- Regarding a question on evaluating the content for components, Richard stated that the lead content would be used as specified by the alloy. He stated that the maximum would be the safest way to go, and that the alloy provider should provide the information to the certifying agency.

Shawn Martin asked why the decision was made to go through NSF/ANSI 61 rather than to write a regulation to implement the statute. Gary Yamamoto indicated that it is difficult to adopt regulations at the state level, and that it is further complicated by changes in administration. He stated that it would be a two-year process from the time that anything was proposed. Further, their authority goes only as far as the meter, so two sets of regulations would be required for submittal by two state agencies. Instead, both agencies' current regulations already specify NSF/ANSI 61.

Shawn then asked why it should be broadened beyond California. Pete Greiner explained that the revisions were made to bring the proposal in line with ANSI requirements regarding commercial terms and the potential complications of the idea of having requirements for a specific state in a national standard.

Richard Sykes asked the task group to submit input and suggested revisions.

Gary Yamamoto further addressed fears about changes in the standard not being adopted in the regulations by pointing out that he had not seen a case where a standard change had been rejected after it was adopted into the regulation. Richard Sykes stated that the intent is not that all of North America adopt the lead content requirements. Tom Palkon asked if this new requirement would be optional. The group discussed possible approaches, including how to document compliance. Pete Greiner assured the group that the listings would clearly identify compliant products and that the markings should also be made to adequately do so. Mike Briggs stated that the lead content standard would be a separate entity from the rest of the 61 battery – that there would be two

separate tests. Pete Greiner clarified that the products that meet the lead content standard would also have to meet the full requirements of 61. It is not given that if it has low lead it will pass, as there have been no- or low-lead alloy products that have failed the lead extraction requirements.

Lance Agness thanked Richard and Gary for their time. Richard indicated that Rick Sakaji (East Bay MUD) and Brian Bernados (CDPH) would be present at the JC meeting later in the month.

Q Statistic

Pete Greiner updated the group on the progress of the Q Statistic sub-task group. He stated that Leonora Marro (Health Canada) had provided the group with an analysis of the Q Statistic, basically stating that it was operating correctly, but that a larger number of faucets will need to be more assured of a result indicative of the product family. The review she performed was on a limited dataset of those with Qs above 5 and had made the review against a requirement of a Q of 11. Subsequently, she was sent a larger data set containing data from faucets with a broader range of Qs and will be updating her report based on this dataset and against a Q of 5. The goal is to have this complete to present at the JC meeting. At this point, the subtask group will not be making a recommendation; rather will provide an update and presentation of the analysis only.

Variability

Pete Greiner indicated that Clif McLellan planned to make a presentation on this at the JC meeting with the understanding that it is not based on the full consensus of the LTG.

Extraction Water Chemistry - RFP

Pete Greiner stated that the group would try to move forward with the RFP, but it would need to be reviewed. Bob Weed offered to help with the execution when appropriate.