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Supplement to Status of Lead in Plumbing Products

The History:

In September 2006, California was the first US state to pass a law restricting the sale of lead-containing plumbing products. The regulation came into effect January 01, 2010. The California Health and Safety Code #116875, better known as Assembly Bill 1953 (AB1953) defined “lead free” and the maximum allowable lead content of 0.25% lead in wetted surfaces of pipe, fittings and fixtures as determined by weighted average.

In meeting AB1953, manufacturers are mandated to develop plumbing products made of material containing less than 0.25% of lead, and obtain independent third party certification.

A taskforce consisting of NSF, major certification organizations, CIPH, PMI and industry associations, manufacturers, and California’s Department of Toxic Substances Control (DTSC) & Department of Health developed a standardized method that can be used to demonstrate compliance to meet the legislation. The taskforce also developed the analytical methods that DTSC would use to verify the lead content of product in the field. The result, the NSF 61- Annex G standard, was published late in 2008.

Products Affected:

Devices intended to deliver potable water for human consumption either for drinking or cooking must be certified by an independent ANSI-approved laboratory.

Clarification of what other products are affected still needs to be determined by California. The AB1953 regulation calls for “pipe, fittings and fixtures”, but does not define product categories that may fall within the definitions. Additionally the bill but also stipulates items at the “*entry into commerce*” level. It is still unclear whether components for repair and replacement are included. The Plumbing Manufacturers Institute (PMI) and industry continue to seek clarification from California authorities.

To meet the requirements of AB1953, products must:

- i. meet the 0.25% weighted average lead requirement, and
- ii. have independent third party certification by an ANSI-approved certification organization, and
- iii. be so listed with said certification organization.

Regulators may also be looking for a certification mark or asking manufacturers for their certifier’s product listings.

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California has not confirmed how they will manage their regulation. Currently, California's Department of Toxic Substances Control is mandated to analyze only a small number of products at their lab. Market surveillance, inspections of inventory, and what the consequences for carrying and selling non - AB1953 compliant products have yet to be determined. This lack of clarity will make uniform enforcement difficult. It is assumed that the inspection process will take place at the retail, hardware or wholesale distributor outlets; however some local building inspectors, such as those from the City of Los Angeles, will be examining materials being installed to check for certification marks (NSF 61 - Annex G).

Future directions:

Other U.S. states are considering similar low-lead legislation; this is where a harmonized national approach would be beneficial. CIPH along with allied associations including the Plumbing Manufacturers Institute (PMI) strives for a national and North American harmonized approach. With the NSF 61-Annex G standard now available, this gives more credence towards a national harmonized approach.

Recently, the NSF 61-Annex G standard has been moved to a proposed new and separate standard - NSF 372 *Drinking Water System Components - Lead Content*. This allows a standard to reference both the prescriptive summative formula for determining a product's lead content by weighted average, and an analytical test method. The standard is expected to be available before the end of 2010.

This analytical method was developed in conjunction with California's DTSC & DPH, the major certification organizations, and industry. The same test method can be referenced and applied by materials suppliers to verify their lead content, and the plumbing product manufacturers. It is one easily referenced methodology for the whole supply chain - suppliers, manufacturers and regulators.

For more information on the NSF 372 Standard visit

http://www.nsf.org/business/water_distribution/pdf/NSF372_QuestionsAnswers_April2010.pdf

For more information on the NSF 61-Annex G standard visit

http://www.nsf.org/business/mechanical_plumbing/annexg.asp

The Canadian Institute of Plumbing & Heating is a not-for-profit trade association. Founded in 1933, the Institute is a vibrant organization committed to providing members with the tools for success in today's competitive environment. More than 250 companies are members of this influential Canadian industry association. They are the manufacturers, wholesaler distributors, master distributors, manufacturers' agents and allied companies who manufacture and distribute plumbing, hydronic heating, industrial, waterworks and other mechanical products. CIPH wholesalers operate more than 700 warehouses and showrooms across Canada. Total industry sales exceed \$5 billion annually.



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