Changes to SDWA and "Lead Free" Legislation

- **The Safe Drinking Water Act (SDWA) is the main federal law that ensures the quality of Americans' drinking (potable) water and is administered by the EPA**

- **On January 4th, 2011, President Obama signed Bill S. 3874, *the Reduction of Lead in Drinking Water Act* legislation into federal law**
  - This action amends the Safe Drinking Water Act and reduces the maximum allowable percentage of lead from 8.00% to 0.25% (weighted average) as it pertains to "pipe, pipe fittings, plumbing fittings and fixtures" in plumbing faucets and fixtures
    - This is a national requirement for all potable water applications
    - The effective date is 36 months after the date that the bill was signed – January 4, 2014
    - Impact - it will be illegal to install products in drinking water applications with a lead content above 0.25% after January 4, 2014.
      - Distributors will need to manage inventories to avoid holding non-compliant drinking water products after January 4, 2014.

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Changes to SDWA and "Lead Free" Legislation

- **Effective July 1, 2012, the chemical extraction requirements of NSF/ANSI 61will be tightened considerably**
  - The measurement of lead that leaches from samples collected by NSF (and other accredited certifiers) will be reduced by an average factor of three
  - Products currently qualifying for NSF/ANSI 61 certification will be tested for lead extraction limits of 5 parts-per-billion instead of the previous 15 ppb.
  - The *new,* tightened standard is detailed within the recently-created Annex F of NSF/ANSI 61
- **What is currently regarded as NSF/ANSI 61, Annex G will be identified as NSF/ANSI 372 and measure lead content only**
  - Manufacturers who produce product destined for many USA municipalities and government-operated building plumbing systems will need to maintain certification to NSF/ANSI 372 and NSF/ANSI 61

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Changes to SDWA and "Lead Free" Legislation

- **Since red Brass Pipe (85% copper / 15% zinc) does not contain lead, our Brass and Chrome-Plated Brass Nipples and mill lengths of Brass Pipe are able to meet the metal content requirements**
  - Merit has earned certification to NSF/ANSI 61, Annex G so our customers are able to demonstrate compliance when required
  - All of Merit's Brass and Chrome Nipples and Pipe will maintain compliance to NSF/ANSI 61 – meaning they will be in complete accord with any and all applicable specifications
  - Merit Brass has also certified our "MB Brand" 150LB Cast Stainless Steel Fittings and Domestic Stainless Steel Nipples under NSF's Lead Content Certification Program

- **Many applications for threaded Brass Fittings will remain "leaded" and will not be subject to the new lead reduction requirements**
  - Bill S. 3874 exempts "pipes or pipe or plumbing fittings or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption;"
  - Merit will maintain complete inventories of domestic and import "leaded" threaded Brass Fittings for use in nonpotable water applications
    - The current premium for "lead free" threaded Brass Fittings versus leaded Brass Fittings is approximately 30-35%

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Changes to SDWA and "Lead Free" Legislation

- **<u>All</u> accredited Merit Brass vendors for "lead free" threaded Brass Fittings (domestic and import) will meet the requirements contained in Annex F of the standard and be in complete conformance with NSF/ANSI 61**
  - This will eliminate the need for Merit and our distributors to maintain duplicate inventories of "lead free" Brass Fittings as <u>all</u> Merit fittings will be in complete compliance with <u>all</u> lead-free specifications.

- **The certifications of Merit Brass and our accredited suppliers may be found on www.NSF.org**

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Merit's Certified Lead Free Vendors and Products

- Merit's Two Certified Vendors for Domestic Cast Threaded Brass Fittings
  - New England Union Company
  - Lee Brass Company
- Merit's Certified Vendor for Import Brass Fittings
  - Siam Fittings Company
- Merit's Domestic Brass Nipples
- Merit's Import Brass Nipples (Thailand Joint-Venture)
  - Joint-Venture with PS Metal Works (Thailand)
- Merit's Certified Vendor for Chrome-Plated Brass Nipples
  - Joint-Venture with PS Metal Works (Thailand)
- Merit's Two Certified Vendors for Brass Pipe
  - PS Metal Works (Thailand)
  - Copper and Brass Mills Sevojno (Yugoslavia)
- Merit's Stainless Steel Nipples
- Merit's "MB" Brand 150# Cast Stainless Steel Fittings

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Changes to SDWA and "Lead Free" Legislation

- **The following states are currently enforcing (or intend to enforce) these legislations:**
  - California - AB1953 (approved September 30, 2006 effective January 1st, 2010)
  - Vermont - S.152 (approved June 7, 2009 effective January 1st, 2010)
  - Maryland - HB.372 (approved May 5, 2010 effective January 1st, 2012
  - Louisiana - H.B. 471/Act No. 362 (approved June 29, 2011) takes effect January 1, 2013

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Welcome to Merit Brass Company's informational section regarding NSF/ANSI Standard 61, Annex G; California AB1953, the new lead free requirement for California, and Vermont S.152, the similar legislation for Vermont. Both state legislations take effect on January 1, 2010.

Merit Brass Company has been a leading manufacturer and master distributor of brass nipples and fittings for over 85 years and we are dedicated to continuing our leadership position as your innovative solutions provider. We are proud to demonstrate our commitment to this philosophy with our pipe nipple manufacturing facility in Cleveland, Ohio as a fully certified to NSF/ANSI 61 , Annex G , and that our partner manufacturers in the U.S.A, and Thailand are also certified to all of the requirements of this specification. Both import and domestic lead free brass threaded fittings are available and are distinguished by a marking which denotes that it is lead free on each piece and designated labeling on each carton. Additionally, Merit continues to stock a complete range of standard leaded import and domestic brass fittings for non-potable water applications.

REFERENCE SITES:

- The actual governmental requirements may be found on http://www.epa.gov/safewater/lcrmr/lead_nsfstandard.html.

- NSF has a reference site at www.nsf.org & http://www.nsf.org/Certified/Common/Company.asp?TradeName=BRA&CompanyName=MER&PlantState=&PlantCountry=&PlantRegion=&Program=LeadCert&CertLead=Y&searc h=SEARCH .

- California Metals Coalition at http://www.metalscoalition.com/ & www.metalscoalition.org

- www.metalcastinggov.com

- http://www.leedcert.com/ & http://www.usgbc.org/DisplayPage.aspx?CategoryID=19

http://www.weareleadfree.net &
http://weareleadfree.net/pages/news_details.asp?id=45

Should you need additional information regarding the NSF/ANSI 61 standard, we have generated some frequently asked questions below. For additional assistance, please contact us at 800.726.9800

What does the NSF/ANSI Standard 61, Annex G mean?

This standard was developed to reduce the amount of lead products used in materials, components, products or systems that comes into contact with drinking water or drinking water treatment chemicals. The exact verbiage (as stated on www.nsf.org) of Annex G states that "This annex was developed to establish a lead content evaluation procedure for use when product is required to meet a ≤0.25% weighted average lead content requirement as exists in California and Vermont effective January 1st, 2010." See also http://www.nsf.org/business/mechanical_plumbing/annexg.asp?program=MechanicalPluSysCom .

What is the Safe Drinking Water Act (SDWA)?

The Safe Drinking Water Act (passed in 1974) is a federal law enacted to ensure that safe drinking water conditions for all Americans are being maintained. It is regulated by the EPA which sets the standards for SDWA. More specific information about this legislation may be found on http://www.epa.gov/safewater/sdwa/index.html .

How will I know if I am purchasing lead free product?

As stated in the introduction, both Merit's import and domestic brass threaded fittings will carry a marking that denotes that it is lead free and have unique part numbers. Additionally, the cartons will be marked with appropriate third party certification designations. While Merit's brass nipples do not contain individual markings, our cartons are labeled with the NSF logo.

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Will other states follow California and Vermont in adopting the legislation regarding lead content?

It is more than likely that as time progresses, more and more states will pass into law similar legislation as California (Bill AB 1953 - http://info.sen.ca.gov/pub/05-06/bill/asm/ab_1951-2000/ab_1953_cfa_20060818_134053_sen_floor.html) and Vermont (http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/S-152.HTM).

> **California Bill AB 1953** changes the lead free requirements to a weighted average of no more than 0.25% lead content. This is effective January 1st, 2010. See also http://www.dtsc.ca.gov/PollutionPrevention/LeadInPlumbing.cfm .
>
> > ***How is the weighted average arrived at?*** By multiplying the lead content of each wetted component times the proportion of the total wetted surface area represented by that component and summing up the results
>
> **Vermont S.152** clearly states that plumbing products containing lead will be prohibited for sale effective January 1st, 2010 with a lead free requirement (to a weighted average) of no more than 0.25% lead content. This legislation does not require third party certification.

For an update on legislation currently being worked on to expand the No Lead requirements beyond Vermont and California, please review: http://www.metalcastinggov.com/Leadinwater.asp or www.weareleadfree.net .

Recently, Washington DC has authored similar legislation entitled DC B18-0452 due to go into effect January 1, 2011. See:

- http://www.weareleadfree.net/pages/news_details.asp?id=45
- http://www.statesurge.com/bills/670217-b18-0452-washington-dc

Will these products require any additional documentation?

An accredited, independent third party certification is required to sell these products in California (per Senate Bill 1334). A full list may be found on ANSI's website www.ansi.org.

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How does Lead Free products play into LEED Certification?

LEED does not actually certify or rate "green" building products or building materials yet. However, the use of individual products may qualify a project to earn points towards a LEED Certification based on the characteristics of the specific products. For example, the greater the amount of recycled content a product contains could result in a greater reward based on a specific LEED Credit under the different LEED green building rating systems (such as Commercial Interiors, Core and Shell and Operations and Maintenance)."