



February 27, 2023

The Honorable Representatives Howard, Jordan, Frazier, Pursell, and Her
State of Minnesota House of Representatives
State Office Building
St. Paul, MN 55155

RE: HF 347 – Preschool and Child Care Facility Drinking Water

Dear Representatives Howard, Jordan, Frazier, Pursell, and Her:

On behalf of the American Supply Association (ASA), the International Association of Plumbing and Mechanical Officials (IAPMO), NSF, and the Water Quality Association (WQA), we want to thank you for your combined sponsorship of HF 347. This bill is very timely and will greatly assist efforts to get the lead out of educational facilities at all levels – protecting children and faculty alike. Additionally, states have successfully utilized a methodology to passage by mandating effective lead remediation encapsulating all levels of educational facilities, child care centers, child care homes, and child care ministries (as defined by Minnesota), within a singular piece of legislation as opposed to sponsoring separate bills with each capturing a designated age/educational level demographic.

When requirements related to water treatment systems are placed into legislation, our industry supports two important recommendations:

1. Requiring accredited third-party certification of drinking water treatment devices, fixtures, and components; and
2. Referencing the appropriate NSF/American National Standards Institute (NSF/ANSI) standards.

For legislative purposes, we encourage language that allows for the safest, quality products to be used that meet the needs of the consumers.

Our organizations support HF 347 by providing recommendations to remediate actionable lead levels through third-party certified filtration systems, request the following sections be amended, and the proposed language included.

Although there is no “safe” level of lead, water filtration systems certified to NSF/ANSI standards for lead reduction have been verified to reduce lead to 5ppb or less.

Currently, certifying bodies test and certify water filtration systems to remediate lead to 5 ppb as prescribed under NSF/ANSI 53 and/or NSF/ANSI 58 for Reverse Osmosis (RO) systems. These certifying bodies are accredited by a signatory to the International Accreditation Forum



Multilateral Recognition Arrangement (IAF MLA) such as the American National Accreditation Board (ANAB). There may be devices and filtration systems that claim to remediate lead below 5 ppb, however, this is currently outside of the established and adopted NSF/ANSI Standards against which filtration products are tested and certified.

To accomplish the goal set forth in this legislation, we recommend establishing and strengthening requirements for water filtration systems to meet the latest version of voluntary consensus standards and are third-party certified. This will help ensure water filtration systems used in remediating lead have been verified to do so.

1. We strongly recommend the following amendments be added to the list of terms defined and detailed in:
 - **Section 1: Subdivision 1 lines 1.15 through 1.16,**
 - **Section 1: Subdivision 3 beginning at line 2.21 adding subsection (c) defining and detailing lead remediation, and**
 - **Section 2: Subdivision 1, subsection (a) line 5-9 through 5-10**

These recommendations provide clarification regarding lead remediation and treatment standards and the certification to reduce the concentration of lead in the drinking water to below the action level. The change we are proposing is consistent with guidance from EPA as well as recent legislation at the Federal and state levels. This amended language requires water filtration systems to be independently certified to meet NSF standards for lead reduction by accredited certification bodies. It clarifies the bill's intent by specifying NSF/ANSI 53 as the requirement for verifying lead reduction and broadens the requirement to include NSF/ANSI 42 which addresses the reduction of particulate which may contain lead. It further adds the "latest version" of NSF/ANSI 53 & 42 to ensure the incorporation of the latest advancements of the standard in Minnesota's implementation. Additionally, treating the water near the tap through a certified NSF/ANSI 58 RO system would also help mitigate harmful contaminants including lead, and allow for more remediation options for schools.

These proposed amendments read:

Section 1: Subdivision 1 lines 1.15 through 1.16:

The plan must include ~~recommendations~~ standards for remediation efforts by installing a third-party certified NSF/ANSI 53 for lead reduction, NSF/ANSI 42 for particulate reduction (Class 1), or NSF/ANSI 58 for lead reduction filter that reduces lead below an actionable level in drinking water on each drinking water outlet when testing reveals the presence of lead above five parts per billion.



Section 1: Subdivision 3 beginning at line 2.21 adding subsection (c) defining and detailing lead remediation:

Subd. 3. Frequency of testing; implementation of lead remediation. (a) The plan under subdivision 2 must include a testing schedule for every building serving **child care centers, child care homes, child care ministries, and** prekindergarten through grade 12 students. The schedule must require that each building be tested at least once every five years. A school district or charter school must begin testing school buildings by July 1, 2018, and complete testing of all buildings that serve students within five years.

(b) A school district or charter school that finds lead at a specific location providing cooking or drinking water within a facility must formulate, make publicly available, and implement a plan that is consistent with established guidelines and recommendations to ensure that student exposure to lead is ~~minimized~~ reduced below five parts per billion as verified by a retest. This includes, when a school district or charter school finds the presence of lead ~~at a level where action should be taken as set by the guidance~~ above five parts per billion in any water source fixture that can provide cooking or drinking water, immediately shutting off the water source fixture or making it unavailable until the hazard has been ~~minimized~~ remediated, as verified by a retest.

(c) "Remediation" means decreasing the lead concentration in water from a drinking water outlet to below the action level for lead including, but not limited to, using methods such as the replacement of a drinking water outlet, installing a certified point-of-use water filtration system that is certified by a certifying body accredited by a signatory to the International Accreditation Forum Multilateral Recognition Arrangement (IAF MLA) such as the American National Accreditation Board (ANAB) for drinking water treatment units for lead reduction;

- (1) the water treatment system on each drinking water outlet must be third-party certified on NSF/ANSI 53 for lead reduction, NSF/ANSI 42 for particulate reduction (Class 1), or NSF/ANSI 58 for lead reduction.
- (2) Follow the manufacturer's instructions for the installation, use, and maintenance of drinking water treatment systems.
- (3) Create and maintain a schedule that identifies the point of contact responsible for the installation and maintenance of drinking water treatment devices.
- (4) Replace the consumable tap with a replacement faucet that has been third-party certified to NSF/ANSI/CAN 61 for lead-free compliance and material safety.

(d) A school district or charter school must test for the presence of lead after completing remediation activities required under this section to confirm that the water contains lead at a level less than five parts per billion.



Section 2: Subdivision 1, subsection (a) line 5-9 through 5-10:

(1) the sum of (i) \$380 times the district's adjusted pupil units times the lesser of one or the ratio of the district's average building age to 35 years, plus (ii) the cost approved by the commissioner for indoor air quality, fire alarm and suppression, and asbestos abatement projects under section 123B.57, subdivision 6, with an estimated cost of \$100,000 or more per site, plus (iii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction, and (iv) the costs for remediation of lead **through accredited third-party certification of drinking water treatment devices, fixtures, and components**; and including the cost of **accredited third-party certification** filters; or

In closing, we emphatically support the spirit, vision, and intent of this bill and thank you again for your leadership on this important topic. We truly appreciate the opportunity to collaborate on this vital water quality legislation and would be happy to work together to answer questions surrounding water treatment.

Sincerely yours,

Stephen Rossi, Director of Government Affairs, ASA
Mark Osmack, Director of Government Relations, IAPMO
Harold Chase, Director of Government Relations, NSF
Jeremy Pollack, Director of Government Affairs, WQA

About ASA

The American Supply Association is the national industry trade association representing distributors and their manufacturers and manufacturer representative agencies serving the PHCP & PVF channel. Serving wholesaler-distributors and their supply chain partners in the plumbing-heating-cooling-piping (PHCP) and industrial pipe-valve-fitting (PVF) industry, ASA is a one-stop-shop for legislative and regulatory advocacy, ongoing business intelligence, employee training and education and peer-to-peer networking.

About IAPMO

IAPMO was founded in 1926 by government officials in the US to protect public health and safety by developing the most progressive and technically advanced plumbing, mechanical and water efficiency codes in the world. A large part of IAPMO's work focuses on product testing for the industry. Our research and testing labs are capable of testing products to more than 400 standards and we provide testing to new plumbing products that enter the market every year. These include such devices as shower heads, faucets, and water filters. Our rigorous process includes following the criteria of the American National Standards Institute (ANSI) and the International Organization for Standardization (ISO).



About NSF

NSF is an independent, not-for-profit organization founded in 1944 in Ann Arbor, MI that develops consensus national standards, provides product inspection, testing and certification, auditing, education, and related services in public health and safety. The core purpose of NSF is to “protect and improve human and environmental health.” NSF has a long history of working with the EPA, FDA, USDA, CDC, and health related governmental entities at the state and local levels, as well as international bodies. NSF is a Collaborating Centre of the World Health Organization for Food Safety, Water Quality, and Medical Device Safety. NSF/ANSI 53 and NSF/ANSI 58, American National Standards developed by NSF, allow for the certification of some point of use and point of entry drinking water treatment units to reduce the levels of specified contaminants in drinking water including lead.

About WQA

WQA is a not-for-profit trade association representing the residential, commercial, and industrial water treatment industry with over 2,500 members worldwide. Since its creation in 1974, WQA has worked tirelessly to improve water quality through sustainable technologies and services. Our members are manufacturers, dealers, and distributors who specialize in point-of-use (POU) and point-of-entry (POE) water filtration systems, which treat water at the tap or entry point of a home or building. WQA also operates an American National Standards Institute (ANSI) accredited testing and certification laboratory that certifies water filtration products to nationally accepted industry standards for contaminant removal.