May 16, 2023

The Honorable Shirley Turner
1230 Parkway Avenue, Ste 103
Ewing Twp, NJ 08628
senturner@njleg.org

RE: S3683 – *Requires schools and child care centers to test drinking water for lead every two years and install filters certified to reduce lead levels*

Dear Senator Turner,

The American Supply Association (ASA), the International Association of Plumbing and Mechanical Officials (IAPMO), NSF, and the Water Quality Association (WQA) would like to thank you for introducing S3683 – *Requires schools and child care centers to test drinking water for lead every two years and install filters certified to reduce lead levels*. We appreciate your efforts to make these educational settings safer for children and adults in those buildings.

You may recall that we reached out to you last year about amending similar legislation (S1648 and S1795) requesting amendments to include a definition of a certified point-of-use (POU) filter. You kindly agreed to our suggestion and we thank you for your commitment to amend that legislation, should it be heard in committee. Indeed, some of the language we had suggested for those earlier bills appears to be included in S3683. It is our hope that we can work with you again – this time on S3683 – to further improve this worthy legislation. We offer the following recommendations and attached redline amendments to add wording that we believe will provide an additional level of protection for the citizens and students of New Jersey.

We are especially pleased that you have included in S3683 language that is specific to the type of certifications that POU filters must hold in order to be recognized by this law, NSF/ANSI 53 and NSF/ANSI 42. However, our associations recommend expanding the bill language to also include NSF/ANSI 58 for Reverse Osmosis (RO) systems and NSF/ANSI 61 for lead-free material safety. Furthermore, to align the bill language on "lead-free" fixtures we urge the inclusion of NSF/ANSI/CAN 61 for lead-free compliance and material safety. Incorporating these revisions to the bill language will help ensure that the bill's intentions align with what is technologically feasible. Additionally, we appreciate that the bill sets a limit of 5 parts per billion (ppb). 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.

Requiring third-party certification of drinking water treatment devices, fixtures, and components is very important as not all products serve the same purpose; some remove only aesthetic impurities while others are certified to reduce the presence of harmful contaminants. Having an independent third-party certification mark on a product communicates compliance with voluntary and consensus performance standards, improves consumer confidence, and helps eliminate concerns about the purchase and installation of non-complying products.

There are currently no federal regulations establishing minimum requirements for the safety and performance of water filtration systems. However, there are voluntary consensus standards that are continually being updated to address emerging threats. When product requirements related to water treatment technologies or drinking water system components are placed into legislation, referencing the appropriate NSF/ANSI standard(s) and third-party certification requirements is vital in verifying these products work as intended.

We strongly support S3683 and appreciate the opportunity to collaborate on this vital water quality legislation. We are available to work with you and others to answer questions surrounding water treatment.

Sincerely yours,

Stephen Rossi, Vice President of Advocacy, ASA
Chris DeMarco, Regional Field Manager, IAPMO
Harold Chase, Director of Government Affairs, NSF
Jeremy Pollack, Director of Government Affairs, WQA

cc: The Honorable Bob Smith, Chair, Senate Environment and Energy Committee
senbsmith@njleg.org
The Honorable Linda R. Greenstein, Vice Chair, Senate Environment and Energy Committee
sengreenstein@njleg.org

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 International

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.

Proposed amendment to:
SENATE, No. 3683
STATE OF NEW JERSEY
220th LEGISLATURE

Sponsored by: Senator SHIRLEY K. TURNER

AMEND SECTION 1 TO READ:

1. As used in sections 1 through 3 of this act:

"Drinking water outlet" means any location where water is expected to be used for consumption or food preparation, including ice-making and hot-drink machines.

"Field blank" means an aliquot of reagent water exposed to the environment during water sample collection and processed in the laboratory as an environmental sample, in order to verify that contamination is not introduced during sample collection.

"NSF/ANSI standard" means a water treatment standard developed by the National Sanitation Foundation, International, and the American National Standards Institute.

"Other facilities" means athletic stadiums; swimming pools; any associated structures or related equipment tied to such facilities, including, but not limited to, grandstands and night field lights, greenhouses, garages, facilities used for non-instructional or non-educational purposes, and any structure, building, or facility used solely for school administration.

"School" means the governing authority of a public school district, charter school, renaissance school, jointure commission, educational services commission, approved private school for students with disabilities acting under contract to provide educational services on behalf of New Jersey public school districts, State-funded early childcare facility, or receiving school.

"School facility" means and includes any structure, building, or facility used wholly or in part for educational purposes by a school district and facilities that physically support the structures, buildings, and facilities, such as school district wastewater treatment, power generating and steam generating, including a temporary facility or other facility.

"Temporary facility" means a facility used for educating students on a temporary basis while awaiting completion of a school facilities project that will permanently house students.

[1]**"Certified point-of-use filter" shall mean a filter installed at the point where water is dispensed from an outlet and is certified to NSF/ANSI standards 42, 53, 58 and 61 for lead reduction, or to any subsequent equivalent standards that are at least equivalent with respect to lead filtration, by a certification body that is accredited by the American National Standards Institute National Accreditation Board (ANAB).**[1]

AMEND SECTION 3 TO READ:

3. No later than one year after the effective date of this act, a school shall install and maintain [1]**certified**[1] point-of-use water filters [1]**[**, which are certified by an accredited third-party certification body to meet NSF/ANSI standards 42 and 53,**]**[1] at any drinking fountain or faucet in a school facility that is regularly used by students or teachers for drinking water or food preparation. The school shall install, or cause to be installed, replacement cartridges for the filters at the frequency recommended by the manufacturer.

AMEND SECTION 5 TO READ:

5. As used in sections 5 through 7 of this act:

"Child care center" means the same as that term is defined in section 3 of P.L.1983, c.492 (C.30:5B-3).

"Drinking water outlet" means any location where water is expected to be used for consumption or food preparation, including ice-making and hot-drink machines.

"Field blank" means an aliquot of reagent water exposed to the environment during water sample collection and processed in the laboratory as an environmental sample, in order to verify that contamination is not introduced during sample collection.

"NSF/ANSI standard" means a water treatment standard developed by the National Sanitation Foundation, International, and the American National Standards Institute.

[1]**"Certified point-of-use filter" shall mean a filter installed at the point where water is dispensed from an outlet and is certified to NSF/ANSI standards 42, 53, 58 and 61 for lead reduction, or to any subsequent equivalent standards that are at least equivalent with respect to lead filtration, by a certification body that is accredited by the American National Standards Institute National Accreditation Board (ANAB).**[1]

AMEND SECTION 7 TO READ:

7. No later than one year after the effective date of this act, the owner or operator of a child care center shall install and maintain [1]**certified**[1] point-of-use water filters [1]**[**, which are certified by an accredited third-party certification body to meet NSF/ANSI standards 42 and 53,**]**[1] at any drinking fountain or faucet in the child care center that is regularly used by children or teachers for drinking water or food preparation. The owner or operator shall install, or cause to be installed, replacement cartridges for the filters at the frequency recommended by the manufacturer.