

## **California's Implementation of AB 100**

**Background:** Since 2010, California law banned the sale and use of any pipe, pipe or plumbing fitting, or fixture intended to convey or dispense water for human consumption through drinking or cooking that is not "lead-free." This definition applies to kitchen faucets, bathroom faucets, and any other endpoint devices intended to convey or dispense water for human consumption through drinking or cooking.

California's "lead-free" plumbing statute reduced the allowable amount of lead in plumbing fixtures, but still allowed for lead, which can, and does, leach into the water. As a result, AB100 was introduced and passed to require endpoint plumbing devices, such as faucets, fixtures, and water fountains to meet a performance standard to comply with the requirement to be "lead-free." This performance standard will prevent the sale in California of endpoint devices that leach more than one microgram per liter (1 µg/L) of lead.

**AB 100 Details:** The law will require endpoint plumbing fixtures to meet a performance standard in addition to existing content standards to qualify as "lead-free" under California law. AB 100 requires the California State Water Resources Control Board, when evaluating an endpoint device's compliance with the "lead-free" requirements, to base its evaluation upon documentation provided by an ANSI National Accreditation Board (ANAB) accredited third party that has certified that the endpoint device does not leach more than one microgram per liter (1 µg/L) of lead.

**Labeling Requirements:** AB 100 requires consumer-facing product packaging or product labeling of an endpoint device that's intended to convey or dispense water for human consumption to include the lettering "NSF/ANSI/CAN 61: Q ≤ 1" in an easily identifiable manner.

### **Effective Dates:**

- January 1, 2023: A ban will be enforced on a person from manufacturing, and offering for sale in the state, an endpoint device that does not meet the "lead-free" standards. However, existing inventory may still be sold.
- July 1, 2023: A ban will be enforced on a person from introducing into commerce and offering for sale in the state, an endpoint device that does not meet the "lead-free" standards. Items that do not meet the requirement of the law can no longer remain on the shelves and they will need to be removed.

**Enforcement:** AB 100 was an "orphan bill" since an enforcement mechanism was not defined. In this case, the California Water Resources Control Board will oversee the regulations and if a violation is reported, enforcement action would be taken by the Attorney General's office.



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## Frequently Ask Questions

- What is the difference between NSF/ANSI/CAN 372 Lead Content and Q statistic test?
  - Standard NSF/ANSI/CAN 372 establishes a limit on the amount of lead that may be contained within the product's materials and comes into contact with drinking water. Products that meet this "lead-free" requirement can still contain lead, and the standard does not evaluate how much of that lead will end up in the drinking water. The Q statistic in NSF/ANSI/CAN 61 evaluates the average dose of lead that leaches out of a product while it is in contact with drinking water.
- If a product contains components that meet other NSF/ANSI standards (such as 42, 53, or 58) and NSF/ANSI 372, do they also need to be certified to NSF/ANSI/CAN 61?
  - Standard NSF/ANSI/CAN 61 evaluates the material safety of the product, including lead content by reference to the requirements specified in NSF/ANSI 372.
  - Standards NSF/ANSI 42, NSF/ANSI 53, and NSF/ANSI 58 also evaluate the material safety of the product and additional requirements such as structural integrity and performance. In principle, the combination of these standards plus standard NSF/ANSI 372 is a broader evaluation than just certification to NSF/ANSI/CAN 61 alone. Most products which fall under NSF/ANSI 42, NSF/ANSI 53, and NSF/ANSI 58 are exempted from the scope of NSF/ANSI/CAN 61. For specific products which could arguably fall under the scope of NSF/ANSI/CAN 61, and under the scope of either NSF/ANSI 42, NSF/ANSI 53 or NSF/ANSI 58, local regulatory officials may interpret requirements differently on a case-by-case basis.
- What products are considered end-point devices in relation to the law?
  - AB 100 defines an "endpoint device" as a single device, such as a plumbing fitting, fixture, or faucet, that is typically installed within the last one liter of the water distribution system of a building. AB100 specifically clarifies an endpoint device includes the following: remote chillers, lavatory faucets, bar faucets, kitchen faucets, hot and cold-water dispensers, drinking fountains, drinking fountains bubblers, water coolers, glass fillers, residential refrigerator ice makers.
- What products are exempted from the law?
  - The law does not apply to devices specifically exempted from section nine, "Mechanical Plumbing Devices," of the 2020 NSF International Standard 61, which became effective in the year 2020, and the devices standard 61 subjects to a different lead leaching standard or normalization requirement.

