February 8, 2024

The Honorable Ellen Campbell
Virginia House of Representatives
201 North 9th Street
General Assembly Building, Room 803
Richmond, VA 23219

The Honorable Partick Hope
Virginia House of Representatives
201 North 9th Street
General Assembly Building, Room 709
Richmond, VA 23219

RE: HB 1295 – Drinking water; maximum contaminant levels, water treatment systems.

Dear Representative Campbell and Chair Hope,

On behalf of the Water Quality Association (WQA), the International Association of Mechanical and Plumbing Officials (IAPMO), and NSF, we want to express our support for HB 1295 – Drinking water; maximum contaminant levels, water treatment systems. This legislation embodies the actions that policymakers can take in mitigating exposure to drinking water contaminants.

Increasing access to drinking water solutions and tools are important steps in protecting drinking water supplies in private wells and rural water systems. Testing and monitoring drinking water are the first steps, but, as residents become aware of health-based contaminants, many will look to the state to identify proper remediation and mitigation options. We applaud Virginia's efforts for including funding for the installation of third-party certified point-of-use (POU) and point-of-entry (POE) drinking water treatment and filtration systems. To further enhance these efforts our organizations, have two recommendations to improve the language and ensure that the intentions of the bill align with the correct terminology related to drinking water treatment systems. **Our recommendations are outlined below, and draft legislative language is located at the bottom of this letter.**

1. Revise the language in § 32.1-169(C) to include the proper third-party certification language.
2. Include the appropriate NSF/ANSI standards in § 32.1-171.3(A) to address contaminants of concern.

Many POU and POE water treatment and filtration systems claim to improve drinking water quality. However, it's important that they are third-party certified to better ensure they work as intended. Using a certified 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. Qualified organizations like WQA, NSF, and IAPMO have been accredited under the ANSI National Accreditation Board (ANAB) as a certification body to ISO/IEC 17065 for conformity assessment and thereafter certify products to ANSI consensus standards. Moreover, certifications issued by WQA, NSF, IAPMO, and other ANAB-accredited bodies are regarded as equally valid. Sometimes confusion arises because the standards have the standard developer's name in them, such as NSF in "NSF/ANSI 53". However, these certifications hold the same level of credibility, ensuring consumers and industries can trust the conformity assessment process regardless of the certifying entity.

Additionally, we recommend that this legislation be amended to specifically reference the appropriate NSF/American National Standards Institute (NSF/ANSI) standards for drinking water treatment and

filtration systems. There are currently no federal regulations establishing minimum requirements for the safety and performance of water filtration systems. However, these national standards have been developed with the participation of interested and affected stakeholders including manufacturers, non-profits, advocacy organizations, representatives of government (such as the EPA), and academia.

There are a variety of NSF/ANSI standards that offer claims for the reduction of drinking water contaminants. Currently, there are two existing standards for certified water filtration systems that offer elective claims to reduce either total PFAS or individual specified PFAS; NSF/ANSI 53: *Drinking Water Treatment Units – Health Effects* and NSF/ANSI 58*: Reverse Osmosis Drinking Water Treatment Systems.* These standards were recently updated to allow for the verification that certified water filtration systems reduce either total PFAS to a cumulative 20 ppt, or a certain reduction is measured by the reduction of a mixture of seven PFAS compounds made up of PFOA, PFOS, PFHxS, PFNA, PFHpA, PFBS, and PFDA. We would note it is important to specify that drinking water filters certified to either of these standards include a claim for reduction of PFAS. It should be noted that NSF/ANSI standards are under continuous maintenance and updated to align with regulatory and technical considerations.

We strongly support the intent of HB 1295 and appreciate your consideration of these amendments. Our organizations welcome any opportunity to collaborate with you on this vital water quality legislation.

Sincerely,

Jordan Kari, Manager of Government Affairs, WQA
Jim Scarborough, Director of Government Relations, IAPMO
Harold Chase, Director of Government Affairs, NSF

Draft Legislative Language

Our organizations support HB 1295 with the request that lines 33 – 39 in § 32.1-169(C) and lines 40 – 47 in § 32.1-171.3(A) be amended, and read as follows:

C. The Board shall adopt regulations to utilize point-of-use or point-of-entry drinking water treatment or filtration systems that are certified by a third-party certification body ~~as compliant with National Sanitation Foundation and American National Standards Institute standards~~ to remove or significantly reduce concentrations of PFOA, PFOS, and other established and emerging contaminants of concern that meet or exceed maximum MCL or health advisory for the same contaminant adopted by the U.S. Environmental Protection Agency, or in the absence of a U.S. Environmental Protection Agency advisory, a contaminant level determined by the Department of Health.

D. A "third-party certification body" means an independent certification body accredited to ISO 17065 by an entity domiciled in the United States that is a signatory to the International Accreditation Forum Multilateral Recognition Arrangement (IAF MLA), such as the Water Quality Association, NSF, and the International Association of Plumbing and Mechanical Officials.

§ 32.1-171.3. Rural Water Supply Program and Fund Established.

A. The Department of Health's Office of Drinking Water shall establish a program to be known as the Rural Water Supply Program (the Program) to test and treat contaminated drinking water for individuals on private wells and small rural public water systems. ~~National Sanitation Foundation and American National Standards Institute~~ Third-party certified point-of-use and point-of-entry systems certified to NSF/ANSI 53: Drinking Water Treatment Units – Health Effects certified, or NSF/ANSI 58: Reverse Osmosis Drinking Water Treatment Systems, or another successor or relevant consensus-based standard for drinking water treatment units or systems that address health contaminant reduction *shall be eligible treatment and filtration systems for reducing concentrations of established and emerging contaminants of concern from such drinking water sources. The cost of operating the Program shall not exceed $5 million annually.*

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.

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.