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**Sent:** Thursday, August 21, 2008 10:52 AM  
**To:** Walls, Dave  
**Cc:** rhowell@cdph.ca.gov  
**Subject:** PEX NSF Certification Requirement

Dave,

Rufus Howell and I spoke late yesterday regarding the requirement that NSF be the entity that certifies that PEX pipe meet California standards. I explained to him the difference between standard setting and certification/setting: e.g., that NSF 61 sets standards and testing protocol which any accredited third party certifying listing agency may certify products to meet and that currently several accredited Listing Agencies certify products to meet NSF 61, including NSF, IAPMO, ANSI, etc.

He confirmed that DPH does not have a problem with changing the requirement to state that PEX pipe must be certified by an accredited third party Listing Agency to meet NSF 61 standards and the specified California Standards.

I have attached proposed changes to the CPC Section 604.1 PEX certification requirement. I use the term "Listing Agency" because that term is defined both in by UPC/CPC § 214 and in the State Housing Law at Health & Safety Code § 17920 (i).

<<Proposed Change to Pex Certification Requirement.doc>>

I also proposed a new sentence which states that:

*"Testing protocol for certification to meet the relevant California Maximum Contaminant Level (MCL), secondary MCL, notification, or Safe Harbor level or other applicable Proposition 65 levels shall receive approval by the California Department of Public Health prior to certification by an accredited third party Listing Agency for human consumption uses in California"*

IAPMO is neutral as to whether such a requirement is necessary, but we are proposing this additional clarification because we believe that it would address the concern you raised that different Listing Agencies may use different testing protocol. Assuming testing protocol was a valid concern, this requirement would seem to be necessary even if NSF was the only certification agency.

Given the timeline on this matter, let's talk as soon as possible to discuss how to proceed with any changes.

Regards,

Tom Enslow

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## **Proposed Change to CPC Section 604.1 PEX Certification Requirement**

### CPC 604.1

All pipe, tube and fittings carrying water used in potable water systems intended to supply drinking water shall meet the requirements of NSF 61 as found in Table 14-1. All materials used in the water supply system, except valves and similar devices, shall be of a like material, except where otherwise approved by the Authority Having Jurisdiction.

Materials for building water piping and building supply piping shall be in accordance with Table 6-4 and the standards in Table 14-1.

*All PEX pipe, tube, and fittings carrying water in potable water systems intended to supply drinking water for human consumption to fixtures and appliances shall also receive ~~NSF~~-certification by an accredited third party Listing Agency that any leached concentrations of methyl-tert-butyl ether (MTBE), tertiary butyl alcohol (TBA), or California Proposition 65 chemicals are below the relevant California Maximum Contaminant Level (MCL), secondary MCL, notification, or Safe Harbor level or other applicable Proposition 65 level for those chemicals. The tubing shall be physically marked in a manner that indicates the pipe is ~~NSF~~-certified by an accredited third party Listing Agency for human consumption uses in California. Testing protocol for certification to meet the relevant California Maximum Contaminant Level (MCL), secondary MCL, notification, or Safe Harbor level or other applicable Proposition 65 levels shall receive approval by the California Department of Public Health prior to certification by an accredited third party Listing Agency for human consumption uses in California*

*For water service areas that have detectable levels of MTBE or TBA in drinking water or where there is known MTBE or TBA contamination of a source of drinking water, PEX tubing installed to supply water for human consumption uses shall be certified by by an accredited third party Listing Agency ~~NSF~~ not to leach detectable levels of MTBE or TBA, and be physically marked as such.*