

RESUBMITTED 8/1/2005

November 29, 2001

Mr. Stan Nishimura
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Dear Stan:

On behalf of NSF International, an independent, not for profit, third party standards development and product certification organization, I would like to respond under public comments to the issue of cross-linked polyethylene pipe (PEX) and its use in California. More specifically, I would like to take issue with comments made by Daniel Cardozo, who is representing the California State Pipe Trades Council, hereinafter referred to as the Council, in a letter dated July 23, 2001 sent to Mr. Michael Nearman of the California Building Standards Commission. It is our understanding that the State of California is considering the use of these products under California Building Codes and NSF would like to present some information based on our certification of these products over the last five years.

In Daniel Cardozo's letter, he references an attached letter from Thomas Reid, Reid Associates commenting on technical merits of this product. However, for the States information, there are many inaccuracies in the text of the letter that leads one to question his expertise in this product area. For example, on page 4, he states "NSF International, a private code organization...". NSF is not a private code organization at all. NSF is an independent third party standards development and product certification organization who through its committee structure of manufacturers, regulatory officials and users develop consensus standards and offer voluntary certification of products to those standards. NSF has been developing standards for over 57 years and has always used a consensus process to assure a balanced and quality standard to which a product could be certified.

The fact that any specific contaminant in a product may leach is not necessarily of a public health concern. In fact the key is whether the concentration of any contaminant is at or above a level that would be of public health concern. Further, the purpose of the standard and certification is to identify whether those contaminants exist at a toxicological level of concern. The question of establishing a risk assessment level

depends upon the methodology used. NSF has traditionally used models that are outlined in Appendix A of ANSI/NSF Standard 61 and follow the methodologies utilized by the US Environmental Protection Agency. In addition, our risk numbers are peer reviewed by an expert panel of toxicologists that includes representatives of USEPA, California EPA, and Health Canada, as well as academic and industry toxicologists. NSF has highly qualified and trained toxicologists on staff ranging from PhDs, to Masters and Bachelor level. NSF has been conducting human health and environmental risk assessments for over 50 years. Given the background provided on page 7 of the Dan Cardozo letter, we question whether Mr. Reid's background in chemical engineering and biological science is appropriate to provide toxicological risk assessments. These are very different fields of study.

Additionally, we would like to point out that nowhere in either the Cardoza or Reid correspondence on this issue is either author stating that these products are unsafe for use in the state of California or elsewhere. They are merely attempting to make comparisons of PEX to other product lines, which may or may not be valid, and at the same time provide no correlation data to demonstrate that the comparisons are valid and appropriate.

In Mr. Reid's letter, he states that ANSI/NSF Standard 61 contains specific disclaimers regarding the use of the standard and resulting certification. The fact is that NSF standards and certifications have been utilized and relied upon by regulatory bodies and code officials for over fifty years. States including California depend upon the consensus standard's process and independent third party certification as protecting the public health and safety of its citizens.

We trust our comments will be considered during your deliberation on this issue.

Sincerely,

Dr. Lori L. Bestervelt
Vice President, Technical Operations