

Washington State Building Code Council  
906 Columbia St SW  
PO Box 48350  
Olympia, WA 98504-8350

**RE: Public Law 111-380 – Enacted January 4,2014**

Dear Washington State Building Code Council,

I'm writing this testimony to address concerns with the upcoming Federal Safe Drinking Water Act legislation that goes into effect on January 4<sup>th</sup> 2014, which the State of Washington will be adopting into law. I have heard and read Larry Andrews of Andrews Mechanical's testimony and I support his comments completely. As a wholesale distributor of these products, our business is engaged in the sale of these products to the trade. We fully support his concerns with regards to the economic impact on small business and consumers. But instead of duplicating his testimony, I would like to address some additional concerns regarding the federal law and enforcement of the law by our local code enforcement body.

In my opinion, the current draft of the law is extremely vague and too much is left up for interpretation. Also, the law does not encompass the complete plumbing potable system, making enforcement inconsistent and difficult. I have bullet pointed my concerns below.

I would recommend that you amend the federal law to address the issues below and extend the implementation date of this law until those amendments are clearly defined. I am also willing to provide recommendations for such amendments. The extension will also provide additional time for businesses engaged in the distribution, installation, and enforcement of this law to offer consumers a truly effective law that delivers better safety and clear, consistent enforcement.

**Below is a list of concerns:**

- **Non-Compliant Product are not easy to identify:** There is currently no industry standardization regarding the marking of "Lead Free" products.
  - Manufacturers vary in the ways in which they mark their products (in some cases, not at all or on the packaging) making identification difficult for inspectors and installers.
  - Due to the number of products in the plumbing system that fall under the low lead requirement, and the poor identification of these products by manufactures, the inspection time per job will increase dramatically.
- **There are exceptions to the law:** The new standard does not apply to pipes, pipe fittings, plumbing fittings or fixtures that are used exclusively for non-potable services such as toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, outdoor watering (hose bibs) irrigation (sprinkler systems), water distribution main gate valves that are 2 inches in diameter or larger or any other uses where water is not anticipated to be used for human consumption.
  - The phrase "not anticipated" is relative and open for extensive interpretation.
  - The phrase "main gate valves 2" or larger" is not comprehensive to all potable drinking systems, resulting in the standard being unenforceable.
- **Products that fall under the low lead requirement are often covered up** in the construction process prior to the inspection stage, making enforcement difficult, inconsistent and unenforceable.

- **It is not easy to tell the difference among cross-over products like angle stops, connectors, and brass plumbing valves.**
  - Products that are used in the non-potable distribution line are often the same products used in the potable distribution line. In some cases, these products look identical (angle stops, supply lines, and ball valves) making it difficult to enforce the law during the inspection process.
  - These products cross connect with the potable system, making enforcement from a water sampling standpoint difficult to enforce.
  
- **The law states that it will be illegal to sell or install products for use in potable water applications that are not Lead Free\*:** This will be very difficult to enforce due to the fact that most products are not marked with a manufacturing date, the invoice/sales receipt or boxes are not on site during inspection phase, and/or in most cases does not specify the type on installation these products are sold for.
  
- **Date of Manufacture vs. Date of Installation or sale:**
  - All previous legislation handed down from the federal level in our industry was mandated by the **date of manufacture vs. the date of sale or installation** (i.e. low flow toilets, flame vapor resistant water heaters, etc.). This makes enforcing, selling, and installing very simple all while minimizing the economic impact on businesses and consumers.
  
- **Some manufactures will continue to offer non-compliant products after Jan.4<sup>th</sup> 2014 for non-potable systems (such as heating and cooling systems, irrigation and other non-potable plumbing systems):**
  - This will complicate the installation process in that, often times, installers are working on potable and non-potable systems on the same installation project which increases the likelihood of installation errors. This will result in additional, wasted time for both installers and code officials in addition to higher costs that, ultimately, get passed on to the consumer.

In summary, we, along with other suppliers, manufactures and contractors in the state, have been working diligently to prepare for this new law over the past 3 years. However, there is only so much we all can do. There are too many inconsistencies that are written into the law that leave too much up for interpretation by all parties. I hope you will consider amending the federal law so that there is less confusion, clearer guidelines and more comprehensive coverage for all products in the potable plumbing system, not just the ones used for human consumption.

Thank you for your consideration.

Sincerely

Bill Maxwell – Principle

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