

**Plumbing Board's Water Conditioning Committee  
Meeting Minutes  
February 27, 2009 – Minnesota Room  
Department of Labor and Industry (DLI)  
443 Lafayette Road No., Saint Paul, MN 55155-4344  
[DLI.CCLDBOARDS@State.MN.US](mailto:DLI.CCLDBOARDS@State.MN.US)**

**Members Present:**

Karl Abrahamson  
Paul Sullwold  
John A. Parizek  
Allen Lamm  
Jim Peterson (DLI Commissioner's Designee)

**Staff Present:**

Cathy Tran  
Annette Trnka  
Jim Lungstrom  
Brian Noma (MDH)  
Brad Erickson  
Chuck Olson

**Members Absent:**

None

**Visitors:**

Gary Thaden  
Brian Soderholm  
Jeff Hill  
David Ghostly

**Members Present:**

Ron Thompson  
Steve Christenson

**I. Call To Order**

The meeting was called to order by Committee Chair Abrahamson at 1:58 p.m. and introductions were made.

**II. Approval of Meeting Agenda**

Sullwold made a motion, seconded by Parizek, to accept the Agenda. The vote was unanimous and the motion passed.

**III. Regular Business**

This is the first meeting of the Committee; therefore there are no previous Minutes. Parizek stated he had reviewed the expense reports and Per Diems, found them in order and declared them approved.

#### **IV. Special Business**

- A. Discuss Committee Organization – Abrahamson stated the intent of this Committee is to adopt rules on the commercial installation of water conditioning systems and to revise or review any language of 4715.5000 to 4715.6000, if needed. Parizek added that any recommendations the Committee has should be presented back to the Plumbing Board.
- B. Review of 4715.5000 – 4715.6000.
- C. Discuss Code Language proposed by Department.
  - i. Staff Recommendations – John Parizek reviewed the language the Department of Labor and Industry had proposed last August on water treatment. The proposed language included the requirement that all water treatment equipment and supplying piping for potable water treatment must conform to the applicable NSF Drinking Water Standards, where they exist.

Cathy Tran stated when the language was proposed for the Board to consider, the Board was still in the rulemaking process. Right now, the current water conditioning statutes are under the authority of the Commissioner of DLI. The intent was to have the Board consider commercial applications as 4715.5000 – 4715.6000 is intended for residential water treatment. Tran stated that at the last Plumbing Board meeting, Tom Joachim, Assistant Commissioner, reviewed proposed legislation of the Department which would transfer the authority over water conditioning from the Department to the Plumbing Board. Tran stated that from the proposed language, the NSF requirement was controversial and the Plumbing Board felt a committee should be formed to work on the water conditioning requirements.

Tran went on to state that the Department has not proposed amended language from that which was submitted last August, as they feel that the once a drinking water system hits the property line, applicable standards should apply to ensure safe installation of the system. Tran stated that the components and piping have to meet the applicable NSF standards now.

- ii. Commercial Installations
- iii. NSF Requirement of System – Lamm asked for clarification on residential water quality devices; are they required to have an NSF label on them. Tran stated that she doesn't believe that the devices currently have to have them. Lamm asked if the Department distinguishes between something that provides drinking water and something that provides water conditioning; the difference between an ionic exchange softener that is primarily used for softening the water for washing clothes, etc., and something that's sold as a Reverse Osmosis (R.O.) unit, sold strictly for drinking water. Tran stated the Department doesn't.

Jeffery Hill, Minnesota Water Quality Association, Robert Hill Company, stated he is familiar with the differentiation where the units are promoted for

health benefits or health effects. If the unit states it takes out arsenic or nitrates or something similar, it's more common to get NSF approval. He stated that to regulate individual softeners would be impossible however it would be possible with drinking water units. Lamm asked how many manufacturers are there in Minnesota for water softeners. Mr. Hill answered that there are approximately 21, of which 15 are in Minnesota. He stated that these manufacturers don't typically make R. O. units. Lamm asked there are any of the manufacturers in Minnesota that make R.O. units or any other type of membrane system which could be used for removal microbiologically. Mr. Hill said if the question is "are there any" then he's sure the answer is yes, but he doesn't know specifically.

McGowan stated that he would like to clarify that instead of stating the entire product be NSF approved, it would be more reasonable to state the components should meet specific standards or requirements. He went on to state that besides being "NSF approved" there are other companies that test and can approve things to the same standards that NSF does, and doesn't believe it should be narrowed to one testing agency. Brian Noma stated that the different standard numbers mean different things and one of the items up for discussion is whether the entire softener system had to be NSF approved or whether the softener system could be made up of components that were approved under NSF Standard 61, which is the listing of components that are approved for potable water contact. He went on to state that NSF has written the standard. There are other companies that test to that standard, e.g. Underwriters Lab tests to the NSF Standard 61.

Thompson stated that what could be done is require the testing lab be certified under ANSI Z34, which is the testing process, which sets criteria for labs, and then specify what Standard the lab has to meet. Whether the requirement will be the components or a package unit is the question.

Brian Soderholm stated that either way he objects to that language as that language would put virtually every manufacturer, with the exception of very large businesses such as Culligan, out of business. He stated that if components are required to be certified, it would require his company to cut out and/or change approximately 50% of their current product line and it would add approximately \$30,000 to their business and would significantly affect the number of products that they would be able to offer residentially. Regarding the commercial side – every commercial softening system is considered a custom unit. Therefore, it would be impossible to make every unit meet NSF standards. If it was required for each component, Mr. Soderholm stated, there are only a handful of manufacturers that certify components for commercial use. He added that most units would most likely meet the NSF standards, but the problem is the cost of getting the certification done.

Sullwold stated it is his understanding that there are no true standards for commercial and industrial softeners right now. He stated adding the caveat that each unit meets the standards “if any” is moot as there probably aren’t any standards to meet right now. He also stated concern that inspectors will feel unsure of themselves and will most likely refer it back to the Plumbing Board or Department.

Noma stated that the Department of Health already requires products meet the NSF standards. He feels that to require water meet a certain standard, but the products touching that water don’t have standards to meet seems ridiculous to him. He went on to state that some of the products that are being imported from other countries don’t meet any standards, the products are inferior and could contaminate the water and make people sick.

David Ghostly stated that he doesn’t feel there are many NSF listed pieces of equipment out there right now. He stated every situation is unique and takes different pieces of equipment in different sizes.

Jeffery Hill stated that the industry is not ready to meet the requirement because the valves that are used in the industry don’t meet the NSF Standard 61, although the industry is moving in that direction. He stated that saying money shouldn’t be an issue would limit innovation. Mr. Hill went on to state that he shares the concerns about the components coming from China or other countries. All resin more than 10-15 years ago was manufactured in a solvent process and some manufacturers rinsed the solvents out more than others. Then the industry came up with a standard that was pretty tough to meet, the end result was that manufacturers went to water based manufacturing of resins, but even so, some of the resins were putting solvents into the water at least for approximately the first week of the installation.

Lamm stated the consumer should be informed about unsafe components that aren’t to be used for a specific amount of time. A discussion of tanks and valves followed.

Thompson asked Cathy Tran if there are any standards now. Tran stated that she had the belief that all the components and piping had to meet the NSF standards, although not perhaps the entire system. She stated that the proposed language states “all water treatment equipment and supplied piping for potable water treatment must conform to the applicable NSF Drinking Water Standards, where they exist” and nowhere does it imply the whole system. She added she feels there are two issues; one is the point of entry and one is the point of use. She feels that definitely the point of use would have to have certification.

Chuck Olson stated that if the materials aren't covered in the plumbing code; 4715.0330 talks about alternate materials and methods and states that anything that comes in contact with water has to provide documentation that it's safe and sanitary. Usually DLI inspectors look at the leeching standards that NSF has. Olson stated that it's unknown what is in the materials of the imports.

Lamm stated that there are systems which take out iron, manganese and particulates which is what he considers water conditioning but if a product makes claims of health; then the entire system should have to meet the standards for point of use as Cathy stated. Mr. Hill stated he was open to that for R.O. units and point of use, but nitrate systems have more variables and would be harder to get certified for every system.

Soderholm said that he doesn't disagree with the Board, however, the industry is such that there is probably not a manufacturer of an entire product, but rather is making parts that make up the systems and until those manufacturers get the approvals and go through the testing, it can't be expected of suppliers of the equipment to get the NSF certification.

Lamm asked if the system is designed by an engineer – is there anything to indicate to the customer that the system they are purchasing meets any kind of standards. Brian Noma stated that tracing the components is do-able, however it can take four to six months to accomplish it and in the meantime the purchaser is waiting for their equipment.

Peterson stated that the Department has a duty to try to protect the manufacturers, installers, and consumers. Sullwold stated that it would seem to him that some sort of performance guidelines would be a direction that we should move slowly into.

Thompson asked if water testing would be an acceptable approach. He also asked if there's an intermediate process where some performance standards would have to be met. Mr. Hill stated that was an interesting approach and said he will draft proposed language to present to the Committee.

Parizek stated that as a consumer, his expectation would be to go to a home improvement store, buy a water softener unit, install it, and figure out what kind of salt to buy. He'd like to know that the unit itself met safety standards and was a safe product to use. He added that rather than wait for the issue to become a problem, he'd prefer representatives of the industry work with the staff of DLI to draft language.

Noma stated he feels the Department's proposed language was too broad because it could have meant any of the standards that NSF has, which is where he understood the objections to be; that others were interpreting the

language to read that all NSF standards have to be met and not just a specific NSF standard. Mr. Hill stated that his feeling is that the regulation was going to be NSF 61.

Tran stated she was thinking NSF 53 where it's actually certifying the point-of-use unit as a system. She stated that at the minimum they would have to meet NSF 61. Soderholm stated that the language could state that soft water would be disallowed under sinks unless it has a NSF rated point-of-use R.O. system under the counter. Lamm stated that wouldn't solve the problem as if soft water is run through hot water it could leach lead out of the faucet. If the R.O. System used a dedicated faucet, then lead leaching from the faucet may not be an issue.

Sullwold asked if it is fair to regulate the point-of-use equipment and lump it in with the industrial systems. He stated that they co-exist, but they are separate. McGowan stated that a water softener that removes calcium and magnesium and an arsenic filter that has health claims attached to it are two different things as well. He stated there's no water softener out there is making a health claim, just making claims such as making your faucets last longer and your shower not to scale up and make your clothes last longer.

Abrahamson asked Hill if he would work with DLI staff to draft language to bring back to the Committee and was told yes, they would draft language. Sullwold stated he would encourage any others who have ideas on draft language to also contact the Department.

Abrahamson asked Peterson if Mr. Hill's proposed language could be drafted and presented to the Department before the next Committee meeting is set and Peterson stated he thought that would be a good idea. Peterson stated that the next time the plumbing code will be revised is approximately two to three years from now, so there's time to draft language.

McGowan stated that the water conditioning industry has been self-regulated and there aren't statistics from the MDH on people getting sick, because the industry was doing a good job of keeping people safe. He stated he felt it was good to address the issue now, before that could happen, however, there isn't anything pressing to do something right now.

D. Other. There was no further discussion on this issue.

## **V. Open Forum**

There were no requests for Open Forum.

## **VI. Discussion**

There was no further discussion.

**VII. Announcements**

- A) Next Regularly Scheduled Meetings:  
i. To be determined.

**XI. Adjournment**

A motion to adjourn was made by Sullwold, seconded by Parizek. The vote was unanimous and the meeting adjourned at 3:08 p.m.

Respectfully Submitted,

*Karl Abrahamson*

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