ICPCDW
EUROPEAN INDUSTRY CONSORTIUM FOR PRODUCTS IN CONTACT WITH DRINKING WATER

Perspective, Aims, Structure, Strategy

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Materials and Products in Contact with DW

Brussels Conference May 2015

• Set the scene:
  – Identified the conflict
  – Covered the history, the issues and the current status
  – Little optimism about progress in the short or medium term on an EU regulatory basis
  – Industry involvement raised with general agreement
  – Suggestion for an industry proposal for certification
  – And for representation at higher government level

• Stakeholders Roundtable proposal – positive outcome
Human Health Protection

• Drinking water quality is one of, if not the most important factors for the protection of human health – worldwide!
• Dr John Snow 1854 cholera outbreak attributed to water from supply pump, Broad Street, London
• WHO statistics: 2.2 million deaths per year from diarrheal disease - mainly children
Certification of materials and products used in drinking water applications is a requirement in many countries to prevent contamination of the drinking water supplies and protect the health of the consumer.
 Barrier to Trade

- Wide diversity, between the EU MSs, of national requirements for materials suitability, is:
  - barrier to Pan-European trade
  - major financial cost to industry, the water suppliers and to the consumer
  - threat to public health standards across the EU

- 15+ MS identified with specific requirements
National Certification Schemes

France (ACS) - The Netherlands (ATA) – Belgium (BELGAQUA) - Sweden (SWEDCERT) - UK WRAS (CPP) - Germany (DVGW) – Switzerland (SVGW) - Poland (PZH) - Austria (OVGW) – Hungary (NIEH) – Norway (NIPH) - Italy (MoH) - Denmark ETA (GDV) - Slovenia NIPH (RS) – Portugal (INSA) – Spain (MSC) - Finland (VTT)
Drinking Water Directive


- “The objective of this Directive shall be to protect human health from the adverse effects of any contamination of water intended for human consumption by ensuring that it is wholesome and clean”
  - Health related contaminants
  - Aesthetics – drinkability – adequate hydration
Article 10

“Member States shall take all measures necessary to ensure.....no substances or materials ...used in the preparation or distribution...remain in water intended for human consumption in concentrations higher than is necessary ....and do not......reduce the protection of human health”

Directive – so MS compliance is national responsibility
Effect of Construction Materials on Drinking Water Quality

• Construction materials have potential to
  – Leach substances which may be a health threat
  – Enhance microbial growth
  – Aesthetic (odour, flavour)

• Recognised in DWD – some potential material contaminants, e.g.:
  • Lead, copper, nickel, cadmium
  • PAHs from coal tar linings
  • Acrylamide
  • Vinyl chloride
Construction Products Directive (now Regulation)

Lays down the rules for CE marking of construction products, confirming that they comply with relevant regulations

- Third “basic requirement” – hygiene, health and the environment
  - Release of dangerous substances or substances which have a negative impact on drinking water
  - Throughout the lifecycle of the product
- But harmonised product standards needed to confirm compliance
How is material suitability assessed?

Certification requirements vary widely and may involve:

• Disclosure of the material formulation
• Compliance with positive lists
• Testing:
  – Odour, flavour, colour, turbidity
  – Enhancement of microbial growth
  – General hygiene: TOC (Total Organic Carbon)
  – Chlorine demand
  – Specific determinants
  – Unsuspected substances (GCMS)
  – Cytotoxicity
• Factory production control attestation
• Periodic Recertification
Burden on the Industry

- **Test methodologies** are complex, time consuming and very expensive
- Often the **certification process** is confusing and frustratingly slow
- Mutual recognition rare
  - There is some mutual recognition between the Scandinavian countries
  - Some acceptance of test results between Germany, Switzerland, Austria
  - The impact is trivial in comparison to the wide differences between the countries with the most complex systems.
Barrier to Trade

• Most industrial manufacturers or importers of equipment for drinking water application (pumps, pipes, valves, fittings, treatment equipment, etc.) find that this diversity of certification schemes is the biggest obstacle to trade that they encounter in the EU.
• It prevents many SMEs from making their products available widely across the EU market
• This reduces choice and increases cost to the water suppliers, contractors and, ultimately, the consumer.
• It challenges innovation initiative – particularly for SMEs
• It challenges the very objective of the process which is to protect the health of the consumer.
Barrier to Trade

• It is in contravention of the principle of
  – the EU (Article 34 TFEU) in the removal of trade barriers
    and of the free movement of goods

• Furthermore, the situation is rapidly deteriorating as new or amended national regulations are introduced, e.g. the Danish GDV 2013, Spanish UNE 149101 (RD 742/2013)
  • current Portuguese notification: 2015/234/P
  • Slovenia 2016/150/SI
• Resort to litigation is increasingly proposed
  – This could reduce standards to the lowest level
History: 20+ years

- 1996: review of DE, FR, NE, UK certification schemes
- EAS – “one stop shop” proposal for EU – CE\textsubscript{EAS}
- Mandate M/136 – CEN/TC164 – supporting standards and harmonised product standards
- 2006: EAS abandoned by DG Environment due to lack of resources
- 4MS continue collaboration towards converging their schemes – but unofficial and slow due to time and resources
- TC164 work continued under M/136 but due to issues with regulatory guidance for harmonised product standards M/136 is to be deleted.
- So where now?
- Hence industry concern and enthusiasm for involvement!
Industry Involvement?
Proposed about 2 years ago
ICPCDW
Who are we?

• Informal collaboration - formed in 2015
• Comprises 24 European trade associations
• Represent the industry chain of producers of materials and products in contact with Drinking Water.
• Pipes, pumps, valves, fittings, treatment equipment, vending and catering, water heaters, domestic appliances, meters
• Objective: industry cohesive action to achieve EU harmonisation of requirements for materials suitability for drinking water contact
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<td>Water Quality Association</td>
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<td>The European Plastic Pipes and Fittings Association</td>
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<td>European Association of Pump Manufacturers</td>
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<td>Confederation of Companies in the Gas and Water Trade</td>
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<td>Organisation for the Electrical and Mechanical Installers and Technical Retail Branch.</td>
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<td>European Federation of Catering Equipment Manufacturers</td>
<td>Association of the German Water and Heat Meters Industry</td>
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Stakeholders Roundtables

As proposed at the Brussels Conference 2015:

• First meeting held on last October then January
  – Objective – to involve all stakeholder groups – representing the broad EU MSs and industries
  – Agenda:
    1. Cost impact studies
    2. DWD public consultation
    3. CPR M/136 status
    4. 4(5) MS status
    5. Portuguese Notification 2015/234/P
    6. Nordic MaiD project
    7. Industry proposed scheme
    8. Public Affairs Group
1. Cost Impact studies

- Panteia - on behalf of Netherlands MHI
  - identifies all negative effects - with recommendations
  - Estimates €165k/a/manufacturer external costs (1.5% t/o)
  - €135k internal costs (1.3% t/o)
  - Delay of up to 3 years

- Figawa
  - Final results awaited
  - Current position: €200k/a/manufacturer external costs including mechanical testing and audit requirements
2. DWD Public Consultation

- Report by Ecorys on results of public consultation and stakeholder meetings
- Effectiveness of Article 10 recognised
- Importance of its revision stressed several times in the meetings (May, December 2015) and included in record of meetings on safe2drink website
- Article 10 under review – Nov 2016
3. CPR M136 Status

To be deleted due to absence of regulatory guidance on issues for hygienic inclusion into harmonised product standards for CPR compliance:

- Can only include national, notified, regulatory requirements for materials suitability
- Materials vs assembled product testing
- EMG - 3 method confusion
- National positive lists implications (F, DE, NE)
- Acceptance (pass/fail) criteria
Letter from DG Enterprise to CEN 22\textsuperscript{nd} April 2015

- Since \textit{standardisation work} under the request M/136 and its revisions has been \textit{going on for about 13 years}
- CEN already de facto \textit{finalised its work on horizontal testing standards};
- CEN \textit{has not produced any harmonised European product standards} (and it \textit{is highly unlikely that product standards will be delivered in a foreseeable future});
- has resulted in resources in CEN and the Commission being blocked (\textit{no clear regulatory situation to continue} standardisation work);
- has resulted in still open and ongoing standardisation work, which is blocking, because of standstill provisions, any standardisation efforts at national level for an unacceptable long period;
- the Commission will, after consulting the Committee on Standards, \textit{withdraw the standardisation request M/136} Revision 2 of 2010 and it shall be considered as expired.
CPR – the Route Forward?

- M136 will be withdrawn
- M131 will continue for products not used in drinking water applications
- TC164 to draw up a list of product categories for products used in drinking water applications, to be completed before a stakeholders meeting to be held in September/October.
- New mandates(s) to be drawn up progressively by DG Growth by product category.
- TC164 to identify hygienic testing requirements by product for each category.
- Programme of work to be drawn up by TC164 while the first mandates are submitted to the SCC/SCS
- TC164 to include hygienic test requirements into Annex ZA for each product standard – referencing the relevant supporting standards already completed by TC164
- Notified bodies to identify acceptance criteria
- Notified bodies to clearly elaborate their certification scheme
Industry engagement with national regulators:
– “Recognition” being addressed (twin track approach)
– News bulletin to be published regularly on UBA website
– approval of assembled products and requirements for minor product
– Netherlands implementing the 4MS procedures
– Metals composition adopted by Germany (2017) – 5 more alloys to be added to composition list
– Organics combined positive list being progressed to “core list” with methodology for additions – still on 5-year plan
– Cementitious additives and site-poured products to be published later this year
– EMG Germany & Netherlands accepting ATP or W270. MDOD argued to be for high chlorination levels
5. Portuguese Notification 2015/234/P

- Perceived to be potential model outcome from 4MS
- Possible answer to Regulatory Guidance on issues raised by TC164
- Possible basis for mutual recognition?
- But blocked by Portuguese industry so ICPCDW needs to engage with Portuguese industry
6. Nordic MaiD Project

- Project Steering Group oversees Authority Advisory Group & Industry Advisory Group
- 2014 -2017
- Evaluate existing Nordic approval schemes and facilities.
- Monitoring 4(5)MS
- ICPCDW is engaging with the Industry Advisory Group
7. Industry Proposals

• **Scheme for Plastic Products**
  – Portuguese draft (TRIS notification 2015/234/P)
  – Annex A (Organics) and Annex E (positive list) used as a basis
  – Addresses the regulatory issues raised by CEN TC164
  – EMG, positive lists, etc
  – NIAS

• **Elastomeric Products**
  – ETRMA adapting the Plastics Scheme
  – Positive list issues
8. Public affairs Group

- Name
- Base
- Website
- Publicity
Industry Perspective

• The diversity of EU materials suitability requirements for DW applications is:
  – in contravention of the principle of the EU (Article 34 TFEU) in the removal of trade barriers and of the free movement of goods
  – a major barrier to Pan-European trade
  – stifling innovation
  – an unnecessary restriction on user/consumer choice
  – a threat to established standards of health protection
  – a major financial cost to
    • industry
    • the water suppliers
    • and to the consumer
What do we want to achieve?

• Harmonised positive lists for raw materials
• Harmonised supporting standards for test procedures
• Common acceptance criteria for test results
• National notified bodies list
• Clear product marking for CPDW
• Mutual recognition of accreditation across the EU

NEED: Industry cohesive support
Thank you for your attention