

# Information note on Regulation 4A



## **Background**

There are potentially many products and substances which may come into contact with water from the point of abstraction to the point of consumption – for example, the surfaces of pipes, tanks, treatment chemicals or filter media, point of use devices and other types of water fittings such as components of meters, pumps, and valves. Regulation 4A prevents the use of products or substances known to have a detrimental effect on the safety or quality of drinking water. Regulation 4A states that any product or substance used in a private supply after 26 May 2010 must be a product or substance that would be permitted to be used in a water supply under Regulation 31 of the Water Supply (Water Quality) Regulations 2010.

## **Application**

Any new usage of a product or substance in a private supply is covered by Regulation 4A. However, many existing products and substances e.g. spring chambers and reservoirs are not constructed of material which would comply with this Regulation but it is not expected that these need replacing.

If, however, the reservoir or spring chamber needs repairs or maintenance with new products, then these must comply with Regulation 4A. If necessary you can seek further advice from your water company or the Water Regulations Advisory Service (WRAS) (<http://www.wras.co.uk/Directory>) or the Drinking Water Inspectorate (DWI).

## **How do local authorities check if a product or substance complies with Regulation 4A?**

Local authorities should be satisfied that any product or substance in use in a private supply is documented as part of a risk assessment, any investigation and/or any improvement works. Products or substances meeting one (or more) of the following criteria may be considered as complying with Regulation 4A:

1. Listed in the Welsh Government's list of approved products for use in Public Water Supply in the United Kingdom. This is sometimes referred to as the Regulation 31 list, and the current version is available on the DWI website;
2. Listed in the Water Regulations Advisory Service (WRAS) Water Fittings and Materials Directory (available on the WRAS website: [www.wras.co.uk](http://www.wras.co.uk)) as suitable for use in plumbing systems within buildings;
3. The particular usage of the product/substance results in either a minimal surface area exposure or a transient contact time with water and the testing of it using BS6920 methodology has shown that the product/substance does not give rise to

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an objectionable taste or odour and does not encourage microbial growth (advice and example calculations for this are covered in <http://dwi.defra.gov.uk/drinking-water-products/advice-and-approval/Advicesheet8.pdf1>);

4. Treatment chemicals conform to a BS:EN standard and are dosed in accordance with any national conditions of use (current BS:EN standards and conditions of use are shown in the Welsh Government's list of approved products for use in public water supply in the United Kingdom);
5. To be included by DWI on this list the supplier or operator or local authority will need to provide evidence of usage in at least three different private supplies in the previous 12 months from the date of application. The transitional list will be maintained on the DWI website as part of the Regulation 4A list.

Anyone wishing to have a product or substance added to the transitional list should provide the DWI with a description of the product or substance and its conditions of use, together with details of 3 or more private supply operators where the product or substance has been used without affecting the quality or safety of the water supply.

These details will then be cross-referenced with local authority risk assessments and water quality data to assess whether there are any concerns about the product adversely affecting the water.

If, during a risk assessment or during any duties related to the Regulations, a local authority becomes aware of a product or substance that meets this 'traditional use' criteria but it is not yet on the transitional list, they should forward details to the DWI and request its addition to the transitional list. The DWI will ask the manufacturers to supply any additional information necessary.

If a local authority becomes aware of a new product or one which has been in use for either less than 12 months or in fewer than 3 private supplies, the product/substance must conform to at least one of the other criteria (1 to 4 above).

If the DWI becomes aware that a product or substance on the transitional list has adversely affected water quality or safety, the product or substance will be removed from the list. Where a product or substance is being investigated by the DWI for adversely affecting the quality or safety of a supply, this will be shown on the list as 'under review'. The DWI recommends that a new usage of such a product or substance be avoided until the review is complete and the product/substance either approved or rejected as unsuitable.

The transitional list will be maintained for ten years until 31 December 2021. Thereafter suppliers/manufacturers must arrange for their product or substance to be approved under an equivalent scheme (namely one of the systems in 1 to 4 above).

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## **What action should a local authority take if it finds that a product or substance may be affecting the quality or safety of the water supply?**

If, as part of an investigation or remedial works, it is suspected that a product has been used which does not satisfy the requirement of Regulation 31, the local authority should assess whether there is a potential danger to human health. For example, by allowing a product to be used which does not satisfy the requirement of Regulation 31, bacterial growth could be encouraged on the surface of the product and pathogenic bacteria could multiply. The contamination of the supply with pathogenic bacteria is likely when the presence of indicators occur such as *E.coli* and coliforms.

If a supply is considered to be a potential danger to human health a Regulation 18 Notice must be served advising the relevant person that the use of the product or substance is in breach of Regulation 4A and that steps must be taken to remove the product or substance and install an alternative.

A breach of Regulation 4A may also cause the water to be unwholesome. If this is the case, and the water is not considered a potential danger to health, a Section 80 Notice should be served. However a local authority does have the ability to provide advice and negotiate an agreeable timescale for all parties to remediate the supply. The local authority can always apply their standard enforcement policy, and reserve proceedings for those circumstances where no other means will induce the appropriate safe behaviour of the operator.

## **Parameters which do not require analysis but are controlled by the use of approved products**

There are certain parameters which are listed in the annex to the Regulations which are controlled through the use of products which are approved under Regulation 4A, and for which monitoring of drinking water is not required. In all circumstances the risk assessment should be taken into account when making a decision about the parameters for testing.

Where products containing these parameters are not part of the supply system, there is no need to monitor for these parameters. If products containing these parameters are in use, there is no need to carry out monitoring as long as the products are approved.

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<b>Parameter</b>	<b>Circumstances in which likely to be present</b>	<b>Criteria for exclusion from audit monitoring</b>
Acrylamide	Use of polyacrylamides as coagulant aids. Use of polyacrylamide grouts for borehole/well linings.	Approved products should be used.
Epichlorohydrin	Use of polyamines as coagulant aids. Use of epoxy resins (e.g. to line pipes and tanks). Use to make some ion exchange resins.	Approved products should be used.
Vinyl chloride	Used for making PVC. Leaching from unplasticised PVC pipes used in distribution or domestic plumbing.	Approved products should be used.

For further information please contact the DWI at [dwi.enquiries@defra.gov.gsi.uk](mailto:dwi.enquiries@defra.gov.gsi.uk).