



OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE

WASHINGTON, D.C. 20460

September 16th, 2024

VIA EMAIL

Ratel USA Inc.
3199 SW 42nd Street
Fort Lauderdale, FL 33313 USA
Sales@ratelusa.com

Re: Request for Information Pursuant to the Safe Drinking Water Act and the Lead-Free Plumbing Products Rule

Dear Ratel USA Inc.:

The United States Environmental Protection Agency (EPA) is responsible for assuring manufacturers and importers introduce “lead free” plumbing products into commerce in accordance with the Safe Drinking Water Act (SDWA or Act), 42 U.S.C. Sections 300f - 300j-26, and the regulations promulgated pursuant to the Act, including the Lead Free Plumbing Products Rule, 40 C.F.R. Sections 143.10-143.20 (“Lead Free Rule”). The enclosed information request is directed to Ratel USA Inc. [Fort Lauderdale, FL] and is issued pursuant to the SDWA Section 1445, 42 U.S.C. Section 300j-4, and 40 C.F.R. Section 143.20. On a case-by-case basis, the EPA is authorized to require the submittal of information from regulated parties to determine compliance with the Act and federal drinking water regulations.¹

The SDWA Section 1417, 42 U.S.C. Section 300g-6, and the Lead Free Rule, prohibit any person from introducing into commerce any pipe, pipe or plumbing fixture, solder, or flux, anticipated to be used to provide water for human consumption, that does not meet the statutory definition of “lead free.”² For SDWA purposes, the EPA interprets “human consumption” to include “potable uses.” In 40 C.F.R. Section 143.11, the EPA defines “potable uses” as “services or applications that provide water for human ingestion, such as for drinking, cooking, food preparation, dishwashing, teeth brushing, or maintaining oral hygiene.”

¹ This information request is exempt from the Paperwork Reduction Act, 44 U.S.C. § 3501, *et seq.*

² This general prohibition is subject to a few statutorily provided exemptions. 42 U.S.C. § 300g-6(a)(4). Additionally, solder and flux that is not lead free may not be introduced into commerce unless it bears specified labeling. 42 U.S.C. § 300g-6(a)(4).

With the 2011 Reduction of Lead in Drinking Water Act, Congress amended the SDWA Section 1417 and incorporated a more stringent definition of “lead free” that took effect January 4, 2014. As defined in the SDWA, “lead free” means not containing more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures. 42 U.S.C. Section 300g-6(d). Additionally, under the EPA’s Lead Free Rule, effective September 1, 2023, manufacturers and importers that introduce plumbing products into commerce must meet the statutory definition of “lead free” and are required to obtain third-party certification or, if appropriate, self-certify that their products meet the “lead free” standard. 40 C.F.R. Section 143.19.

Based on the EPA’s review of entry documentation for shipment 23054940451 (BOL: KFUN-A2409280166) submitted to Customs and Boarder Protection (“CBP”), we believe that Ratel USA Inc. introduces plumbing products into commerce that must meet the “lead free” standard, and, therefore, said products require certification in accordance with 40 C.F.R. Section 143.19.

Pursuant to the SDWA Section 1445 and 40 C.F.R. Section 143.10, EPA requires Ratel USA Inc. to provide the information requested in Enclosure 1 Part C within **7 days** of the date of this information request. Compliance with this information request is required by law. Failure to provide a timely, complete, and truthful response to this information request may subject Ratel USA Inc. to an enforcement action by the EPA, which could result in the imposition of injunctive relief and civil penalties. Please note that the Agency will consider responses that are incomplete, ambiguous, or evasive as a failure to respond to this information request. False, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001. The information you provide may be used in the EPA administrative, civil, or criminal proceedings.

Additionally, in accordance with the provisions of 40 C.F.R. Section 2.203, you may assert a business confidentially claim covering part or all the information submitted by clearly identifying it as “confidential.” If no such claim accompanies the information when it is received by the EPA, then it may be made available to the public without further notice.

If you or your staff would like an opportunity to confer, have any questions, or would like to schedule a meeting relating to this information request, please contact Megan Knight at Knight.Megan@epa.gov.

Thank you for your cooperation in this matter.

Sincerely,

**Knight,
Megan**

Digitally signed by
Knight, Megan
Date: 2024.09.16
10:02:06 -04'00'

Megan Knight, Attorney Advisor
Water Enforcement Division
Office of Civil Enforcement

CC:

Carol King (king.carol@epa.gov)

Lianna Kardeman (kardeman.lianna@epa.gov)

Zarina Patel (patel.zarina@epa.gov)

Dane Wilson (wilson.dane@epa.gov)

Enclosures:

- (1) Information Request
- (2) Information Request Excel Attachment
- (3) Statement of Certification
- (4) Confidential Business Information

Enclosure 1

Safe Drinking Water Act Section 1445 Information Request Directed to Ratel USA Inc.

A. Instructions

1. Provide a separate narrative response to each request set forth below. Precede each response with the text and the number of the specific information request item, and its subpart if applicable, to which the response corresponds.
2. Any documents relied upon or used by you to answer any of the questions in this request must be copied and submitted with your response. All documents must be clearly labeled and contain a notation indicating the item and subpart of the item to which they are responsive, as well as the contents of the document.
3. If any item cannot be addressed in full, provide a response to the extent possible along with an explanation of why the item cannot be responded to in full. If your responses are qualified in any manner, please explain.
4. Provide the requested information in electronic format (*e.g.*, on compact disc or in a pdf) or written format.
5. The information should be submitted with an electronic file system that names each folder and file name in a manner that identifies the number of the corresponding request item and subpart to which it responds as well as a brief description of the contents of the individual file.
6. All records and documents that were created and/or relied upon in responding to any part of this request must be maintained until the EPA informs you that maintenance is no longer required.
7. All information submitted pursuant to this information request must be submitted to (email one complete copy to the individual identified below):
Megan Knight
U.S. EPA
Office of Enforcement and Compliance Assurance
Office of Civil Enforcement
Water Enforcement Division (Mail Code 2226-D2)
1200 Pennsylvania Avenue NW
Washington, D.C. 20460
Knight.Megan@epa.gov
8. If you find, at any time after the submission of your response, that any portion of the submitted information is no longer accurate, false, and/or incomplete, you must notify the EPA of this fact immediately and provide a corrected response.

9. All responses to this request must be accompanied by a certificate that is signed and dated by you or the person who is authorized by you to respond to the request. The certification must state that the response is complete and contains all information and documentation available to you pursuant to the request. Enclosure 2 provides a Statement of Certification for this purpose.

B. Definitions

1. "Potable uses" means services or applications that provide water for human ingestion, such as for drinking, cooking, food preparation, dishwashing, teeth brushing, or maintaining oral hygiene.
2. "Introduce into commerce" or "introduction into commerce" means the sale or distribution of products or offering products for sale or distribution in the United States.

C. Information to be Provided

Pursuant to the SDWA Section 1445, 42 U.S.C. Section 300j-4, and 40 C.F.R. Section 143.20, **you shall provide the EPA the following within 7 days of the date of this information request.**

1. Using the calculation found in 40 C.F.R. Section 143.19(c)(1), how many people are employed at the manufacture of products in shipment 23054940451 (BOL: KFUN-A2409280166)?
2. Using the Excel sheet provided, list all distinct models of pipes, pipe or plumbing fittings or fixtures, or solder or flux used to provide water for human consumption and the quantity imported for each in shipment 23054940451 (BOL: KFUN-A2409280166).
3. Using the Excel sheet provided, confirm certification as required by 40 C.F.R. Section 143.19 and list the name of the accredited third-party certifying body for each of the plumbing products listed in the response to Question #2. For each of the plumbing products listed in response to Question #2, provide copies of any document or record maintained to substantiate the third-party certification required by 40 C.F.R. Section 143.19, including documentation of certification and dates of certification and certification expiration. List the date of certification and certification expiration in the Excel sheet provided.
4. For each of the self-certified plumbing products listed in response to Question #2, provide copies of any certificates of conformity, detailed schematic drawings of products indicating dimensions, records of calculations of the weighted average lead content of the products, documentation of the lead content of materials used in the

manufacture, and other documentation used to verify the lead content of a plumbing device. List the date of self-certification in the Excel sheet provided. For each of the products listed in response to Question #2, provide photographs of the product itself and any packaging associated with it.

5. Using the Excel sheet provided, list the name, address, email, and telephone number for the point of contact at the ANSI accredited third-party certification body or the person in charge of self-certification for products listed in response to Question #2.
6. Describe where the products in shipment 23054940451 (BOL: KFUN-A2409280166) were manufactured and their importation pathway to the final destination.

Enclosure 2

STATEMENT OF CERTIFICATION

I certify that the information contained in or accompanying this submission is true, accurate, and complete.

As to the identified portion(s) of this submission for which I cannot personally verify truth and accuracy, I certify as the company official having supervisory responsibility for the person(s) who, acting under my direct instructions, made the submission, that this information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By: _____
(Signature)

(Full Name Printed)

(Title)

(Date)

Enclosure 3

Confidential Business Information