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Draft Submission to the Federal Government House of Representatives Standing Committee on Environment and Heritage - Inquiry into the Regulation of Plumbing Product Quality

Industry overview

The Plastics Industry Pipe Association is an industry body representing over 95% of Australia's plastics pipe manufacturers and raw material suppliers. PIPA has significant involvement in the development of Australian and International Standards for plastics pipe and fittings and we are also involved in the preparation of the National Plumbing and Drainage Standard AS/NZS3500 and associated documents. The products of our members form the basis of Australia's plumbing and drainage pipe systems both within building property and for infrastructure.

Support for effective regulation

As an industry we support the need for a regulated environment for plumbing products and most definitely believe good product quality must be a key element of any plumbing installation.

Pipe is a critical component of metropolitan infrastructure. The importance of effective plumbing and drainage systems is today often taken for granted. It can be argued that the single biggest contributor to human health over the past century has been the development of pipeline systems that deliver clean water to communities and safely remove waste water. Western society could not be sustained in its current form without such systems. One only need look to the issues in the UK and Europe in the latter part of the 19th century where the rapid development of densely populated communities resulted in enormous public health problems linked to poor sanitation and the lack of a clean drinking water supply – multiple Cholera outbreaks in London were a case in point.



Meeting community expectations

More recently the drivers for change to piping systems have come from increased community expectations in terms of drinking water quality and the environmental and health impact associated with the disposal of waste water. It is the plumbing and infrastructure pipe systems that must deliver these outcomes. Hence product quality is of paramount importance and one of the key elements in ensuring water and waste water systems meet community expectations.

It is also important to consider that plumbing systems are often not readily accessible - being enclosed in wall cavities or ducts, within concrete slabs or buried. They are also long term assets with a life expectancy of at least several decades if not exceeding the life of the building itself.

The beneficiaries of an effective plumbing regulatory environment are public health and asset life.

Meeting Australian Standards

Our members supply pressure and non-pressure pipe and fittings to the Australian plumbing industry. These products are manufactured to the relevant Australian Standards and have been independently product certified by appropriately credentialed organisations. PIPA members invest heavily in terms of the resources they assign to the development of national standards along with the cost and effort required to maintain product certification. We continue to support these “front end” elements of our regulated plumbing system.

We are however concerned that beyond this front end effort there appears limited effectiveness in the policing of products during installation. We are continually confronted by examples of poor product quality entering the Australian market. The sale and use of these substandard products undermines the efforts of reputable suppliers and regulators alike. Substandard products have the real potential to:

- Cause premature system failure
- Impact adversely on community health – for example failure to meet contact with potable water standards or failure resulting in environmental contamination.
- Result in less sustainable products being used in the built environment – for example Australian Standards for PVC pipe will specify the elimination of lead and cadmium stabiliser systems and the appropriate use of recycle.
- Cause property damage with associated cost implications – pipe systems are rarely visible, system failure is detected by either the appearance of cosmetic damage or in some cases catastrophic structural defects.

Sub- standard product is a public interest issue

Over the past 2 years there have been several instances where non conforming product has been investigated by PIPA. In some cases we approached regulatory bodies including the ACCC, Department of Fair Trading and product certifying bodies for assistance. Poor product quality often relates to false and misleading conduct in the context of Trade Practices Legislation. Some examples of these include:

- 3 cases in 2006 and one in 2007 related to non conforming drain waste and vent pipe (DWV) involving both local and overseas manufactured product.
 - In one case the supplier was approached and the product voluntarily withdrawn.
 - In 2 cases the ACCC was informed with action limited to letters to the suppliers.
 - In 2 of these cases the products carried StandardsMark product certification by SAI Global. SAI Global was informed and supporting technical information supplied. Their response was an offer to investigate – these products remain on their register and no indication of the investigation outcome has been forthcoming.
 - The 2007 case remains under investigation by PIPA.
 - The deficiencies in these products related to non conforming material (issues that could affect long term performance) and non conforming dimensions (under length).
- 3 cases related to polyethylene pipe (PE) systems in 2005 and 2006.
 - One case related to pipe and was actioned effectively by the ACCC.
 - The other two related to PE fittings. One was referred to SAI Global as the product held a StandardsMark Licence and there has been no response to date. In this case the non conformance related to the fitting failing to meet the pressure rating posing a serious risk of failure in service.
 - The third case is still being investigated by PIPA.

Effective regulation must support conforming product

PIPA believes there is a need for an appropriately regulated market with well defined and specified product requirements. This regulation must also appropriately support the use of conforming product and provide an effective means of addressing non conforming product - the current arrangements fail in this regard. Without a genuinely complete regulatory process plumbing product quality will be compromised.

PIPA believes that the existing national product standards are appropriate and continues to support the concept of an effective independent third party certification system.

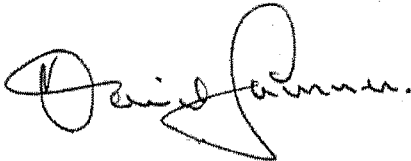
The way forward

Improvements should include:

- An effective uniform national approach to regulation and installation.
- An effective uniform national approach to product certification requirements recognising that many products cross the jurisdictional boundaries between plumbing and infrastructure systems and it is absurd to mandate different certification requirements for identical products operating in similar environments with similar risk profiles.
- An effective uniform national approach to the policing of product quality and most importantly policing beyond point of sale.
- An effective mechanism for identifying and actioning non conforming product – including a review of the roles and responsibilities within the product certification system. There are existing shortcomings in the area of product certification and we believe these stem largely from the vested interest of the certifier in maintaining their relationship with licensees. Licence fees represent the primary income stream for the certifier. We believe this aspect of the process would be addressed if an effective mechanism for actioning non conforming product was in place that was independent of the certifying body and could also determine the certification status of the product.

I trust this information has been constructive and should there be any need to clarify or expand upon any of the issues raised please contact me.

Yours sincerely



David Sumner
CEO PIPA
16 August 2007