

FAQs from the NWGLDE

... All you ever wanted to know about leak detection, but were afraid to ask.

What Does the Disclaimer on Our Website and List Mean to Users?

In this issue's FAQ's from the National Work Group on Leak Detection Evaluations (NWGLDE), we discuss the "disclaimer" on our website—nwgldde.org/disclaimer—and also on page ii of the 14th Edition NWGLDE List. (Please Note: the views expressed in this column represent those of the work group and not necessarily those of any implementing agency.)

Q. In your last FAQ article, you referred to a disclaimer on your website. What does this disclaimer mean to those of us who regularly use the NWGLDE List?

A. The purpose of the disclaimer statement is to point out certain limitations users should be aware of concerning the NWGLDE List of leak-detection equipment. While disclaimers can provide important information, people typically do not read them. For example, the disclaimer clearly states that the NWGLDE List "is not an EPA list," and "appearance on the List does not constitute approval by the NWGLDE or EPA," yet equipment that appears on the NWGLDE List is incorrectly referred to as "EPA approved" in many leak-detection-equipment vendor brochures.

An example of the importance of the information contained in the NWGLDE disclaimer was discussed in our previous FAQ article that appeared in *LUST-Line* #54 (February 2007) concerning alternative fuels. A reference was made to the NWGLDE disclaimer to make it clear to users that evaluations of leak-detection equipment do not address "long-term material compatibility with the product stored." To a regulator, this means that the List is not the correct source to determine whether or not materials used to manufacture leak-detection equipment are compatible with alternative fuels.

The disclaimer states: "The NWGLDE makes no representations concerning the safe operation of any method or equipment. Users of any method or equipment appearing on this List assume full responsibility for the proper and safe operation of said equipment and assume any and all risks associated with its use." This should make it clear to the user of the List that none of the evaluations performed using the leak-detection protocols shown on the List address safety issues. Instead, standards such as UL, API, PEI, or local fire codes should be referenced.

Another portion of the NWGLDE disclaimer warns the user that the information on each listing is "specific to the most current third-party evaluations submitted to the NWGLDE" and that "subsequent modifications or changes to the method, equipment, or software may produce parameters and data values that are significantly different than the listed third-party evaluation parameters and data values." The NWGLDE is aware that, at times, manufacturers of leak-detection equipment make modifications or changes to equipment after the equipment has been

evaluated. However, the NWGLDE is dependent on the manufacturer to take the responsibility to reevaluate the equipment when modifications or changes are made that affect the ability of the equipment to detect a leak. Since it is not possible for the NWGLDE to be aware all modifications or changes made by the manufacturers, it therefore becomes "the responsibility of the implementing agency to accept or reject those modifications or changes."

Hopefully, this discussion will encourage you to take a look at the disclaimer the next time you reference the NWGLDE List.

NWGLDE List Disclaimer

GENERAL

Appearance on this list is not to be construed as an endorsement by any regulatory agency nor is it any guarantee of the performance of the method or equipment. Equipment should be installed and operated in accordance with all applicable laws and regulations.

This list of Leak Detection Evaluations was prepared by a work group consisting of State and EPA members and is limited to evaluations of leak detection equipment and procedures or systems, conducted by an "independent third-party evaluator" (see Appendix "Glossary of Terms") and reviewed by the work group. This list includes evaluations conducted in accordance with either EPA Standard Test Procedures for Evaluating Leak Detection Methods (EPA/530/UST-90/004 through 010) or other test procedures accepted by the NWGLDE as equivalent to the EPA standard test procedures (see Part III "Acceptable Test Protocols").

The National Work Group on Leak Detection Evaluations (NWGLDE) does not guarantee the performance of any leak detection method or equipment appearing on this List, nor does it warrant the results obtained through the use of such methods or equipment.

SPECIFIC

- The NWGLDE does not evaluate methods or equipment and appearance on this List does not mean they are automatically acceptable for use in any particular state or local jurisdiction.
- The NWGLDE List is not an EPA List, nor does appearance on this list constitute endorsement or approval by the NWGLDE or EPA. Anyone claiming that a device or method is "EPA approved" because it appears on this list is making a false claim.
- The NWGLDE makes no representations concerning the safe operation of any method or equipment. Users of any method or equipment appearing on this List assume full responsibility for the proper and safe operation of said equipment and assume any and all risks associated with its use.
- On each data sheet, this List reports parameters and data values for methods, equipment, and software that are specific to the most current third-party evaluation submitted to the NWGLDE. Subsequent modifications or changes to the method, equipment, or software may produce parameters and data values that are significantly different than the listed third-party evaluation parameters and data values. It is the responsibility of the local implementing agency to accept or reject those modifications or changes.
- Since long term material compatibility with the product stored is not addressed in test procedures and evaluations, the NWGLDE makes no representations as to the compatibility of leak detection equipment with the product stored.

If you have questions for the group, please contact them at: questions@nwgldde.org