

2024 Legal Update on the Berkey Water Filtration System

Berkey filters have been on the market for a long time and have a solid reputation. I personally use 2 water filters, depending on my needs, Berkey and Aquasana. We are affiliates for both because I like their performance. However, over the years, Berkey refused to get NSF certification -when I asked, they explained to me that it was too expensive, which I did not find satisfactory myself. Aquasana is NSF certified. [Here](#) are details on that. [[here](#) is our affiliate link for Aquasana].

Well, it looks like EPA has caught up with them and at this time, per court order, you will no longer be able to get a new black berkey filter if you try. The good news is that the company has an alternative filter that actually does not require priming. So if you go to our affiliate-linked Berkey site, you will see those new filters available there. Our affiliate link will allow you to use a 5% discount coupon **ebvhelp5**, but you may see better seasonal deals depending on when you visit the website. [Here is our link](#).

I cannot comment on the logic of what EPA is suing the company for -see details below. I do agree that they really need to step up and do the NSF certification, which will unfortunately cost them over \$300,000. It would have been the right thing to invest in, to be honest, from the get go. But that is not my decision to make.

In the meantime, I want to share the legal details with you, so you can make your own judgment and decide if you want to continue using their filtration system and switch to the new filter.

LEGAL DETAILS:

New Millennium Concepts, Ltd. (NMCL) is the manufacturer of the Berkey water filter- a line of gravity-fed water filtration and purification products.

Recently they have been put under a Stop Sale or Removal Order (SSURO) by the Environmental Protection Agency (EPA) preventing any sales of Berkey water filter system products.

[EPA Stop Order PDF](#)

The reason for the stop sale order alleges that “Berkey water filter systems were unregistered, misbranded pesticides,” according to an EPA Inspector. According to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), “a pesticide is any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant, or any nitrogen stabilizer.”

Due to claims that Berkey treats living microorganisms like bacteria, a pest, this water filter should be, per FIFRA definition, categorized as a pesticide or pesticide device. If water filter companies make this claim, they should be NSF certified. Water treatment products that are certified as NSF/ANSI standard 53 water filters receive this certification for their ability to reduce or remove harmful contaminants in unfiltered water that are known to cause adverse health effects.

NMCL filed a lawsuit, suing for violations of the Administrative Procedures Act and due process involving Berkey water filters. The case requested an injunction and a restraining order against the EPA. The case was dismissed for “want of subject matter jurisdiction.”

Berkey filed an appeal and is now tied up in the judicial system that might take months or years to settle.