

Introduced by Senator Calderon

February 20, 2008

An act to amend Section 116875 of the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1334, as introduced, Calderon. Drinking water: pipes and fittings: lead content.

Existing law, with certain exceptions, prohibits the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free, as defined, in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption. Existing law, commencing on January 1, 2010, revises this prohibition to, with certain exceptions, apply to any pipe or plumbing fitting, or fixture intended to convey or dispense water for human consumption.

Existing law prohibits the introduction into commerce of any pipe, pipe or plumbing fitting, or fixture that is not lead free, except for a pipe that is used in manufacturing or industrial processing. Existing law defines lead free as not more than 8% lead when used with respect to pipes and fittings, and not more than 4% by dry weight with respect to plumbing fittings and fixtures. Existing law, commencing on January 1, 2010, revises the term "lead free," for purposes of manufacturing, industrial processing, and conveying or dispensing water for human consumption, to refer not to the lead content of pipes and pipe fittings, plumbing fittings, and fixtures, but instead, to refer to a weighted average lead content of the wetted surface area of the pipes, fittings, and fixtures of not more than 0.25%, to be determined pursuant to a prescribed formula.

This bill would also require that the plumbing material be certified for compliance with these provisions by an independent 3rd party, as provided.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 116875 of the Health and Safety Code,
2 as amended by Section 1 of Chapter 853 of the Statutes of 2006,
3 is amended to read:

4 116875. (a) No person shall use any pipe, pipe or plumbing
5 fitting or fixture, solder, or flux that is not lead free in the
6 installation or repair of any public water system or any plumbing
7 in a facility providing water for human consumption, except when
8 necessary for the repair of leaded joints of cast iron pipes.

9 (b) No person shall introduce into commerce any pipe, pipe or
10 plumbing fitting, or fixture, that is not lead free, except for a pipe
11 that is used in manufacturing or industrial processing.

12 (c) No person engaged in the business of selling plumbing
13 supplies, except manufacturers, shall sell solder or flux that is not
14 lead free.

15 (d) No person shall introduce into commerce any solder or flux
16 that is not lead free unless the solder or flux bears a prominent
17 label stating that it is illegal to use the solder or flux in the
18 installation or repair of any plumbing providing water for human
19 consumption.

20 (e) For the purposes of this section, “lead free” means not more
21 than 0.2 percent lead when used with respect to solder and flux
22 and not more than 8 percent when used with respect to pipes and
23 pipe fittings. With respect to plumbing fittings and fixtures, “lead
24 free” means not more than 4 percent by dry weight after August
25 6, 2002, unless the department has adopted a standard, based on
26 health effects, for the leaching of lead.

27 (f) *All pipe, pipe or plumbing fittings or fixtures, solder, or flux*
28 *shall be certified by an independent American National Standards*
29 *Institute (ANSI) accredited third-party, including, but not limited*
30 *to, NSF International, as being in compliance with this section.*

31 (f)

1 (g) This section shall remain in effect only until January 1, 2010,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2010, deletes or extends that date.

4 SEC. 2. Section 116875 of the Health and Safety Code, as
5 added by Section 2 of Chapter 853 of the Statutes of 2006, is
6 amended to read:

7 116875. (a) No person shall use any pipe, pipe or plumbing
8 fitting or fixture, solder, or flux that is not lead free in the
9 installation or repair of any public water system or any plumbing
10 in a facility providing water for human consumption, except when
11 necessary for the repair of leaded joints of cast iron pipes.

12 (b) (1) No person shall introduce into ~~commerce~~ *any commerce*
13 *any* pipe, pipe or plumbing fitting, or fixture intended to convey
14 or dispense water for human consumption through drinking or
15 cooking that is not lead free, as defined in subdivision (e). This
16 includes kitchen faucets, bathroom faucets, and any other end-use
17 devices intended to convey or dispense water for human
18 consumption through drinking or cooking, but excludes service
19 saddles, backflow preventers for nonpotable services such as
20 irrigation and industrial, and water distribution main gate valves
21 that are two inches in diameter and above.

22 (2) Pipes, pipe or plumbing fittings, or fixtures that are used in
23 manufacturing, industrial processing, for irrigation purposes, and
24 any other uses where the water is not intended for human
25 consumption through drinking or cooking are not subject to the
26 requirements of paragraph (1).

27 (3) For all purposes other than manufacturing, industrial
28 processing, or to convey or dispense water for human consumption,
29 “lead free” is defined in subdivision (f).

30 (c) No person engaged in the business of selling plumbing
31 supplies, except manufacturers, shall sell solder or flux that is not
32 lead free.

33 (d) No person shall introduce into commerce any solder or flux
34 that is not lead free unless the solder or flux bears a prominent
35 label stating that it is illegal to use the solder or flux in the
36 installation or repair of any plumbing providing water for human
37 consumption.

38 (e) For the purposes of this section, “lead free” means not more
39 than 0.2 percent lead when used with respect to solder and flux
40 and not more than a weighted average of 0.25 percent when used

1 with respect to the wetted surfaces of pipes and pipe fittings,
2 plumbing fittings, and fixtures. The weighted average lead content
3 of a pipe and pipe fitting, plumbing fitting, and fixture shall be
4 calculated by using the following formula: The percentage of lead
5 content within each component that comes into contact with water
6 shall be multiplied by the percent of the total wetted surface of the
7 entire pipe and pipe fitting, plumbing fitting, or fixture represented
8 in each component containing lead. These percentages shall be
9 added and the sum shall constitute the weighted average lead
10 content of the pipe and pipe fitting, plumbing fitting, or fixture.

11 (f) For the purposes of paragraph (3) of subdivision (b), “lead
12 free,” consistent with the requirements of federal law, means not
13 more than 0.2 percent lead when used with respect to solder and
14 flux and not more than 8 percent when used with respect to pipes
15 and pipe fittings. With respect to plumbing fittings and fixtures,
16 “lead free” means not more than 4 percent by dry weight after
17 August 6, 2002, unless the department has adopted a standard,
18 based on health effects, for the leaching of lead.

19 (g) *All pipe, pipe or plumbing fittings or fixtures, solder, or flux*
20 *shall be certified by an independent American National Standards*
21 *Institute (ANSI) accredited third-party, including, but not limited*
22 *to, NSF International, as being in compliance with this section.*

23 ~~(g)~~

24 (h) This section shall become operative on January 1, 2010.