

AMENDED IN SENATE MARCH 24, 2008

SENATE BILL

No. 1395

Introduced by Senator Corbett

February 21, 2008

~~An act to add Section 116877 to the Health and Safety Code, relating to lead plumbing.~~ *An act to add Article 10.1.2 (commencing with Section 25214.4.3) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to lead plumbing.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1395, as amended, Corbett. Lead plumbing: *monitoring and compliance-program testing.*

Existing law provides for various restrictions and prohibitions relating to the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free, as defined, in regard to public water systems and plumbing used to provide water for human-consumption:

~~Existing consumption.~~ *Existing law requires the State Department of Public Health to adopt building standards to implement the above these prohibitions. Appropriate state and local building and health officials are required to enforce these standards.*

~~This bill would require the department to establish, no later than January 1, 2010, a program to monitor for compliance with the above-described provisions, and would require the program to include, but not be limited to, the random testing of plumbing materials that are subject to these provisions.~~

Under existing law, the Department of Toxic Substances Control (department) enforces hazardous waste control laws that regulate the disposal of discarded appliances, lead acid batteries, small household batteries, recyclable latex paint, and household hazardous waste. The

department is also authorized to implement and enforce provisions establishing prohibitions relating to jewelry for retail sale that contains specified amounts of lead.

This bill would establish lead plumbing monitoring and compliance testing as a part of the department's ongoing program to reduce toxic substances from the environment. The bill would require the department to annually select, at random, drinking water faucets or other drinking water plumbing fittings and fixtures for testing and evaluation to determine compliance with specified lead plumbing standards established pursuant to a separate provision of existing law.

The bill would require the department to, based on its available resources and staffing, determine the number and the locations from which to select samples of faucets, fittings, and fixtures to test and evaluate. The bill would require the department to annually post the results of its testing and evaluation on its Web site, and to transmit the results in an annual report to the State Department of Public Health.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
3 (a) Californians expect that the public health standards
4 applicable to drinking water plumbing adopted by state government
5 to protect against lead leaching into drinking water are being
6 complied with.
7 (b) There is not currently an existing quality control program
8 in state or federal law to ensure that drinking water plumbing,
9 including faucets, conforms to existing state and federal standards.
10 (c) Without monitoring and compliance testing, consumers have
11 no way of knowing whether the drinking water plumbing and
12 faucets they purchase meet California's safe lead content standard.
13 (d) Recent medical research studies conclusively show that lead
14 in the bloodstream is dangerous at any level.
15 (e) The United States Environmental Protection Agency has
16 concluded that drinking water plumbing remains a significant
17 source of lead exposure and has specifically identified, as the most
18 common problem, brass or chrome-plated brass faucets and

1 fixtures, which can leak considerable amounts of lead into the
2 water, particularly hot water.

3 (f) Chapter 853 of the Statutes of 2006 will, commencing
4 January 1, 2010, phase out the use of lead in faucets, pipes and
5 pipe fittings, and plumbing fittings that are used to convey water
6 for human consumption.

7 (g) The random collection and testing of faucets would help
8 ensure compliance with California's lead content standard for
9 plumbing and increase consumer confidence that the faucets
10 purchased for their homes are not a source of dangerous lead
11 levels in their blood.

12 SEC. 2. Article 10.1.2 (commencing with Section 25214.4.3)
13 is added to Chapter 6.5 of Division 20 of the Health and Safety
14 Code, to read:

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16 Article 10.1.2. Lead Plumbing Monitoring and Compliance
17 Testing

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19 25214.4.3. (a) Lead plumbing monitoring and compliance
20 testing shall be undertaken by the department, as a part of the
21 department's ongoing program for reducing toxic substances from
22 the environment.

23 (b) For purposes of implementing this article, the department
24 shall annually select, at random, drinking water faucets or other
25 drinking water plumbing fittings and fixtures for testing and
26 evaluation to determine compliance with Section 116875.

27 (c) The department shall, based on its available resources and
28 staffing, determine the appropriate number of drinking water
29 faucets or other drinking water plumbing fittings and fixtures to
30 annually test and evaluate, as well as the locations from which to
31 randomly select the faucets, fittings, and fixtures.

32 (d) The department shall annually post the results of the testing
33 and evaluation conducted pursuant to this article on its Internet
34 Web site and shall transmit these results in an annual report to
35 the State Department of Public Health.

36 SECTION 1. ~~Section 116877 is added to the Health and Safety~~
37 ~~Code, to read:~~

38 ~~116877. (a) No later than January 1, 2010, the State~~
39 ~~Department of Public Health shall establish a plumbing material~~
40 ~~monitoring program to survey compliance with the requirements~~

- 1 ~~set forth in Section 116875. The program shall include, but need~~
- 2 ~~not be limited to, the random testing of materials subject to the~~
- 3 ~~restrictions set forth in Section 116875.~~
- 4 ~~(b) The department may adopt regulations as necessary to~~
- 5 ~~implement this section.~~