

AMENDED IN SENATE APRIL 16, 2008

AMENDED IN SENATE APRIL 8, 2008

AMENDED IN SENATE MARCH 24, 2008

**SENATE BILL**

**No. 1395**

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**Introduced by Senator Corbett**

February 21, 2008

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

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 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 department would be required to establish necessary test methods, protocols, and sample preparation procedures for the adequate determination of total lead concentration in a drinking water plumbing fitting or fixture. The bill would require the department to annually post the results of its testing and evaluation on its Internet Web site, and to transmit the results in an annual report to the State Department of Public Health.

*The bill would provide that its provisions shall become operative only if SB 1334, of the 2007–08 Regular Session, is enacted and takes effect on or before January 1, 2009.*

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.

1 (e) The United States Environmental Protection Agency has  
2 concluded that drinking water plumbing remains a significant  
3 source of lead exposure and has specifically identified, as the most  
4 common problem, brass or chrome-plated brass faucets and  
5 fixtures, which can leak considerable amounts of lead into the  
6 water, particularly hot water.

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

11 (g) The collection and testing of faucets would help ensure  
12 compliance with California’s lead content standard for plumbing  
13 and increase consumer confidence that the faucets purchased for  
14 their homes are not a source of dangerous lead levels in their blood.

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

18  
19 Article 10.1.2. Lead Plumbing Monitoring and Compliance  
20 Testing

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22 25214.4.3. (a) Lead plumbing monitoring and compliance  
23 testing shall be undertaken by the department, as a part of the  
24 department’s ongoing program for reducing toxic substances from  
25 the environment.

26 (b) For purposes of implementing this article, the department  
27 shall annually select; drinking water faucets or other drinking water  
28 plumbing fittings and fixtures for testing and evaluation to  
29 determine compliance with Section 116875.

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

35 (d) In implementing this article, the department shall establish  
36 necessary test methods, protocols, and sample preparation  
37 procedures that are adequate to determine total lead concentration  
38 in a drinking water plumbing fitting or fixture to determine  
39 compliance with the standards for the maximum allowable total  
40 lead content set forth in Section 116875.

1 (e) (1) In selecting drinking water faucets and other drinking  
2 water plumbing fittings and fixtures to test and evaluate pursuant  
3 to this article, the department shall exercise its judgment regarding  
4 the specific drinking water plumbing fittings or fixtures to test.

5 (2) This article does not require the department's selection to  
6 be either random or representative of all available plumbing fittings  
7 or fixtures.

8 (3) The department shall acquire its samples of fittings and  
9 fixtures from locations that are readily accessible to the public at  
10 either retail or wholesale sources.

11 (f) The department shall annually post the results of the testing  
12 and evaluation conducted pursuant to this article on its Internet  
13 Web site and shall transmit these results in an annual report to the  
14 State Department of Public Health.

15 *SEC. 3. This act shall become operative only if Senate Bill*  
16 *1334, of the 2007–08 Regular Session, is enacted and takes effect*  
17 *on or before January 1, 2009.*