

AMENDED IN SENATE JULY 11, 1995
AMENDED IN ASSEMBLY MAY 30, 1995
AMENDED IN ASSEMBLY MAY 18, 1995
AMENDED IN ASSEMBLY APRIL 25, 1995
AMENDED IN ASSEMBLY APRIL 17, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 151

Introduced by Assembly Member Baca

January 17, 1995

An act to add Section 17921.9 to the Health and Safety Code, relating to buildings, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 151, as amended, Baca. Buildings: CPVC plastic piping.

(1) Existing law, known as the State Housing Law, which is administered by the Department of Housing and Community Development and local enforcement agencies, generally regulates the construction, use, maintenance, and occupancy of buildings used for human habitation. Violations of the State Housing Law, or of the building standards published in the State Building Standards Code relating to the State Housing Law, are punishable as misdemeanors.

This bill would express findings and declarations of the Legislature with regard to the use of chlorinated polyvinyl

chloride (CPVC) pipe. The bill would declare that it is the intent of the Legislature, in enacting the bill, to allow the use of CPVC piping in building construction in California as an alternate material under specified conditions. The bill would provide that, notwithstanding any other provision of law, the provisions of the California Plumbing Code that do not authorize the use of CPVC piping within California shall not apply to any local government that permitted the use of CPVC piping for potable water systems within its jurisdiction prior to January 1, 1996. The bill would require that the CPVC piping be used in accordance with specified work practices and flushing procedures.

Because the provisions of the bill would be added to the State Housing Law, the violation of these provisions would be punishable as a misdemeanor, and the bill would therefore impose a state-mandated local program by creating new crimes.

~~This bill would require the Department of Housing and Community Development to complete and certify an environmental impact report regarding the health, environmental, and safety effects related to the installation and use of CPVC piping systems for potable water systems, as specified. The bill would further require that, if the environmental impact report reveals no significant negative impacts that cannot be feasibly mitigated, the department immediately develop proposed building standards to permit statewide use of CPVC piping systems, and submit the standards to the California Building Standards Commission for adoption within 90 days of certification by the Director of Housing and Community Development that the environmental impact report has been completed. The~~
immediately develop, without first completing and certifying an environmental impact report, proposed building standards that would permit statewide use of CPVC piping systems, and to submit these standards to the California Building Standards Commission for adoption.

This bill would provide that its provisions shall not be operative after January 1, 1998.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs



mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 17921.9 is added to the Health
2 and Safety Code, to read:

3 17921.9. (a) The Legislature finds and declares all of
4 the following:

5 (1) The deterioration of copper piping has become a
6 serious problem in various communities in the state.

7 (2) Chlorinated polyvinyl chloride (CPVC) plastic
8 piping has been successfully used for many years in other
9 states and in nations around the globe, and has also been
10 widely used, in accordance with federal regulations, in
11 mobilehome construction.

12 (3) The Department of Community Development of
13 the City of Colton, acting pursuant to a good-faith belief
14 that it was in compliance with state regulations, approved
15 the use of CPVC piping as an alternative to copper piping
16 in early 1993 when the department was confronted with
17 widespread deterioration of copper piping systems in a
18 tract in the western part of that city.

19 (4) CPVC pipe is not authorized to carry drinking
20 water inside California homes because an environmental
21 impact report delivered to the State Department of
22 Housing and Community Development in December
23 1990 has not been released, therefore delaying its
24 proposed adoption by the State Building Standards
25 Commission.

26 (5) The retrofitting of homes in Colton with CPVC
27 piping has been successful.

28 (b) It is, therefore, the intent of the Legislature in
29 enacting this section to allow the use of CPVC piping in



1 building construction in California as an alternate
2 material under specified conditions.

3 (c) Notwithstanding any other provision of law, the
4 provisions of the California Plumbing Code that do not
5 authorize the use of CPVC piping within California shall
6 not apply to any local government that permitted the use
7 of CPVC piping for potable water systems within its
8 jurisdiction prior to January 1, 1996. Any local
9 government utilizing CPVC piping after the effective
10 date of the act that adds this section shall require all of the
11 following:

12 (1) That the CPVC piping to be used is listed as an
13 approved material in, and is installed in accordance with,
14 the Uniform Plumbing Code.

15 (2) That all installations of CPVC strictly comply with
16 the interim flushing procedures and worker safety
17 measures set forth in subdivisions (e) and (f).

18 (d) Notwithstanding any other provision of law, the
19 provisions of the California Plumbing Code that do not
20 authorize the use of CPVC piping within California shall
21 not apply to any local government that makes a finding
22 after the effective date of the act that adds this section
23 that there have been failures of copper piping within its
24 jurisdiction due to corrosive water quality or soil
25 conditions. Any local government making a finding
26 pursuant to this subdivision shall also require all of the
27 following:

28 (1) That the CPVC piping to be used is listed as an
29 approved material in, and is installed in accordance with,
30 the Uniform Plumbing Code.

31 (2) That all installations of CPVC strictly comply with
32 the interim flushing procedures and worker safety
33 measures set forth in subdivisions (e) and (f).

34 (e) The following safe work practices shall be adhered
35 to when installing both CPVC and copper plumbing pipe
36 in California after the effective date of the act that adds
37 this section:

38 (1) (A) Employers shall provide education and
39 training to inform plumbers of risks, provide equipment
40 and techniques to help reduce exposures from plumbing



1 pipe installation, foster safe work habits, and post signs to
2 warn against the drinking of preoccupancy water.

3 (B) For purposes of this paragraph, “training” shall
4 include training in ladder safety, safe use of chain saws
5 and wood-boring tools, hazards associated with other
6 construction trades, hazards from molten solder and flux,
7 and the potential hazards and safe use of soldering tools
8 and materials.

9 (2) Cleaners shall be renamed as primers, include
10 strong warnings on the hazards of using primers as
11 cleaners, and include dyes to discourage use as cleaners.

12 (3) Applicators and daubers shall be limited to small
13 sizes.

14 (4) Enclosed spaces shall be ventilated with portable
15 fans when installing CPVC pipe.

16 (5) Protective impermeable gloves shall be utilized
17 when installing CPVC pipe.

18 (6) Employers shall provide onsite portable eyewash
19 stations for all employees to allow for immediate flushing
20 of eyes in the event of splashing of hot flux.

21 (7) Employers using acetylene torches shall ensure
22 that the acetylene tanks are regularly maintained and
23 inspected in accordance with applicable regulatory
24 requirements. Fire extinguishers shall be kept in close
25 proximity to the workplace.

26 (f) All of the following flushing procedures shall be
27 adhered to when installing CPVC pipe in California after
28 the effective date of the act that adds this section:

29 (1) When plumbing is completed and ready for
30 pressure testing, each cold water and hot water tap shall
31 be flushed starting with the fixture (basin, sink, tub, or
32 shower) closest to the water meter and continuing with
33 each successive fixture, moving toward the end of the
34 system. Flushing shall be continued for at least one
35 minute or longer until water appears clear at each fixture.
36 This step may be omitted if a jurisdiction requires the
37 building inspector to test each water system.

38 (2) The system shall be kept filled with water for at
39 least one week and then flushed in accordance with the



1 procedures set forth is paragraph (1). The system shall be
2 kept filled with water and not drained.

3 (3) Before the premises are occupied, the hot water
4 heater shall be turned on and the system shall be flushed
5 once more. Commencing with the fixture closest to the
6 hot water heater, the hot water tap shall be permitted to
7 run until hot water is obtained. The time required to get
8 hot water in a specific tap shall be determined and then
9 the cold water tap at the same location shall be turned on
10 for the same period of time. This procedure shall be
11 repeated for each fixture in succession toward the end of
12 the system.

13 ~~(g) Notwithstanding any other provision of law, the~~
14 ~~state licensing examination for plumbers shall include~~
15 ~~one or more questions about the safe installation of all~~
16 ~~types of plumbing pipe.~~

17 ~~(h)~~

18 (g) Nothing in this section shall be construed to affect
19 the applicability of any existing law imposing liability on
20 a manufacturer, distributor, retailer, installer, or any
21 other person or entity under the laws of this state for
22 liability.

23 ~~(i) (1) The Department of Housing and Community~~
24 ~~Development shall complete and certify an~~
25 ~~environmental impact report, prepared in compliance~~
26 ~~with Division 13 (commencing with Section 21000) of the~~
27 ~~Public Resources Code, regarding the health,~~
28 ~~environmental, and safety effects related to the~~
29 ~~installation and use of CPVC piping systems, including~~
30 ~~fittings and joining agents, for potable water systems. The~~
31 ~~department shall complete scoping on the environmental~~
32 ~~impact report within 60 days of the effective date of the~~
33 ~~act that adds this section. The environmental impact~~
34 ~~report shall be completed within 15 months of the date on~~
35 ~~which the Director of Housing and Community~~
36 ~~Development certifies that funding for all costs associated~~
37 ~~with the completion of the environmental impact report~~
38 ~~has been received from manufacturers and producers of~~
39 ~~CPVC resin and piping products and other interested~~
40 ~~persons. The environmental impact report shall contain~~



1 a definition of CPVC manufacturing standards for resin
2 and pipe extrusion sufficient to protect public health and
3 safety. The environmental impact report shall examine
4 reasonable worst case conditions of the impacts of CPVC
5 piping systems and its alternatives on water quality and
6 worker health and feasible measures to mitigate those
7 impacts. The department shall require the contractor
8 selected to complete the environmental impact report to
9 post a performance bond to ensure completion within the
10 agreed-upon timeframe.

11 (2) If the results of the environmental impact report
12 reveal no significant negative impacts concerning the use
13 of CPVC piping systems for potable water systems which
14 cannot be feasibly mitigated, the department shall
15 immediately develop proposed building standards that
16 would permit statewide use of CPVC piping systems.
17 Within 90 days of certification by the Director of Housing
18 and Community Development that the environmental
19 impact report has been completed, the department shall
20 submit these standards to the California Building
21 Standards Commission for adoption.

22 (j)–

23 (h) *The department shall immediately develop,*
24 *without first completing and certifying an environmental*
25 *impact report, proposed building standards that would*
26 *permit statewide use of CPVC piping systems, and shall*
27 *submit these standards to the California Building*
28 *Standards Commission for adoption.*

29 (i) This section shall not be operative after January 1,
30 1998.

31 SEC. 2. No reimbursement is required by this act
32 pursuant to Section 6 of Article XIII B of the California
33 Constitution because the only costs that may be incurred
34 by a local agency or school district will be incurred
35 because this act creates a new crime or infraction,
36 eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section
38 17556 of the Government Code, or changes the definition
39 of a crime within the meaning of Section 6 of Article
40 XIII B of the California Constitution.



1 Notwithstanding Section 17580 of the Government
2 Code, unless otherwise specified, the provisions of this act
3 shall become operative on the same date that the act
4 takes effect pursuant to the California Constitution.

5 SEC. 3. This act is an urgency statute necessary for the
6 immediate preservation of the public peace, health, or
7 safety within the meaning of Article IV of the
8 Constitution and shall go into immediate effect. The facts
9 constituting the necessity are:

10 The serious problems caused by the deterioration of
11 copper piping in water systems in homes in various
12 communities in the state make it necessary that the use
13 of CPVC piping be clearly authorized by law under
14 specified conditions. The immediate enactment of this
15 act is therefore necessary.

