

AMENDED IN ASSEMBLY APRIL 21, 1998

AMENDED IN ASSEMBLY APRIL 13, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1951**

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**Introduced by Assembly Member Baca**

February 17, 1998

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An act to repeal and add Section 17921.9 of the Health and Safety Code, relating to buildings.

LEGISLATIVE COUNSEL'S DIGEST

AB 1951, as amended, Baca. Buildings: CPVC 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 California Building Standards Code relating to the State Housing Law, are punishable as misdemeanors. Existing provisions of the State Housing Law provide that the provisions of the California Plumbing Code that do not authorize the use of chlorinated polyvinyl chloride (CPVC) piping within California do 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, and that CPVC piping be used in accordance with specified work practices and flushing procedures. These provisions of the

State Housing Law relating to CPVC piping became inoperative on January 1, 1998.

This bill would repeal those existing provisions relating to CPVC piping, and would allow the use of CPVC plastic pipe and fittings for potable water piping systems within residential buildings ~~in Riverside County and San Bernardino County, and in other local areas where the legislative body determines that metal pipe systems may fail,~~ if specified conditions are met. The bill would require the California Building Standards Commission to establish standards to ensure that carcinogens or reproductive toxins do not exceed 10 parts per billion in CPVC pipe, fittings, solvent, primer, or cement, and to adopt, jointly with the department, standards for the safe installation of CPVC. The bill would require the Chief of the Division of Occupational Safety and Health of the Department of Industrial Relations to report to the Legislature by January 1, 2003, regarding compliance with those CPVC installation standards. The bill would require local building officials to ensure compliance with requirements relating to CPVC system installation and testing, thereby imposing a state-mandated local program.

The bill would provide that a contractor who fails to comply with these requirements would be subject to a \$500 civil fine, and would require local building officials to require contractors who install CPVC pipe to certify under penalty of perjury that the contractor has completed a required flushing of the plumbing system. Because a violation of these provisions would also be punishable as a misdemeanor, and as a felony, ~~respectively if perjury is committed,~~ the bill would impose a state-mandated local program by creating new crimes.

(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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.



This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. 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 of the Health and Safety  
2 Code is repealed.

3 SEC. 2. Section 17921.9 is added to the Health and  
4 Safety Code, to read:

5 17921.9. (a) Chlorinated polyvinyl chloride (CPVC)  
6 plastic pipe and fittings shall be allowed for use for  
7 potable water piping systems within a residential  
8 ~~building in any of the following:~~

9 ~~(1) The County of Riverside.~~

10 ~~(2) The County of San Bernardino.~~

11 ~~(3) Any other local area served by a potable water~~  
12 ~~supply where, as determined by the local legislative body~~  
13 ~~having jurisdiction, a corrosive water supply or soil~~  
14 ~~condition causes the rapid failure of metal pipe systems.~~  
15 ~~building in California.~~

16 (b) The use of CPVC pipe and fittings pursuant to  
17 subdivision (a) shall comply with all of the following  
18 requirements:

19 (1) The CPVC pipe, fittings, solvents, cements, and  
20 primers comply with all other requirements of the  
21 California Plumbing Code for use in a potable water  
22 system.

23 (2) No substance identified as a carcinogen or  
24 reproductive toxin pursuant to Section 25249.8 shall be  
25 permitted in CPVC pipe or fittings in amounts greater  
26 than 10 parts per billion.



1 (3) No substance identified as a carcinogen or  
2 reproductive toxin pursuant to Section 25249.8 shall be  
3 permitted in a solvent, primer, or cement used to join  
4 CPVC pipe or fittings in amounts greater than 10 parts  
5 per billion.

6 (4) The Department of Housing and Community  
7 Development and the California Building Standards  
8 Commission, jointly, shall adopt standards for the safe  
9 installation of CPVC which shall, at a minimum, include,  
10 but shall not be limited to, both of the following:

11 (A) When a worker is installing CPVC pipe in a  
12 substantially enclosed space, the work area shall be  
13 mechanically ventilated to provide a minimum air  
14 velocity of 100 lineal feet per minute. For purposes of this  
15 section, a substantially enclosed space includes, but is not  
16 limited to, any of the following:

17 (i) A space that is enclosed overhead and on two or  
18 more sides.

19 (ii) A ditch deeper than two feet below grade.

20 (iii) A crawl space with three feet or less of vertical  
21 clearance, whether or not the crawl space is covered.

22 (B) All workers while installing CPVC pipe shall wear  
23 protective gloves that are nonpermeable to solvents,  
24 primers, or cements for at least eight hours, using ASTM  
25 Standard Test Method F739-96.

26 (5) When the CPVC plumbing system is completed  
27 and ready for pressure testing, all of the following  
28 requirements shall be met:

29 (A) The system shall be filled and permitted to sit for  
30 at least one day. Then each cold water and hot water tap  
31 shall be flushed starting with the fixture (basin, sink, tub,  
32 or shower) closest to the water meter, and then each  
33 successive fixture toward the end of the system. Flushing  
34 should be continued for at least one minute or longer until  
35 water appears clear at each fixture.

36 (B) The system shall be kept filled with water for at  
37 least one week and then flushed in accordance with the  
38 above procedures. The system shall be kept filled with  
39 water and not drained.



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

11 (c) The California Building Standards Commission  
12 shall establish testing, inspection, certification, labeling,  
13 and other standards to ensure that CPVC pipe, fittings,  
14 solvent, cement, and primers sold or installed in the state  
15 comply with paragraphs (2) and (3) of subdivision (b),  
16 and shall require that building officials in California  
17 approve only the installation of CPVC pipe, fittings,  
18 solvent, cement, and primers that comply with  
19 paragraphs (2) and (3) of subdivision (b).

20 (d) It shall be the duty of each local building official to  
21 ensure compliance with subdivision (b) as follows:

22 (1) The local building official, at a minimum, shall  
23 ensure compliance with paragraph (4) of subdivision (b)  
24 by either of the following means:

25 (A) The local building official shall conduct one  
26 inspection at the site of each permitted installation of  
27 CPVC pipe during the time that workers are installing  
28 CPVC and file an inspection report regarding  
29 compliance with paragraph (4) of subdivision (b).

30 (B) (i) The owner or contractor may contract with a  
31 qualified special inspector to conduct at least one special  
32 inspection at the site of each permitted installation of  
33 CPVC pipe during the time that workers are installing  
34 CPVC. The special inspector shall file an inspection  
35 report with the local building official and the owner or  
36 contractor regarding compliance with paragraph (4) of  
37 subdivision (b). The special inspector shall bring all  
38 discrepancies to the immediate attention of the  
39 contractor for correction, then if uncorrected, to the  
40 attention of the local building official. The special



1 inspector shall submit a final signed report stating  
2 whether the work inspected was to the best of the special  
3 inspector's knowledge in conformance with the  
4 requirements of paragraph (4) of subdivision (b).

5 (ii) For purposes of this subdivision, a qualified special  
6 inspector means a certified industrial hygienist as defined  
7 by Section 20700 of the Business and Professions Code, a  
8 certified construction inspector as specified in Section  
9 18949.28 with a certification as a plumbing inspector, a  
10 construction health and safety technician certified by the  
11 American Board of Industrial Hygiene Board of Certified  
12 Safety Professionals Joint Committee, or a Certified  
13 Safety Professional certified by the Board of Certified  
14 Safety Professionals.

15 (2) The Chief of the Division of Occupational Safety  
16 and Health in the Department of Industrial Relations  
17 shall file a report with the Legislature on or before  
18 January 1, 2003, regarding compliance with the  
19 requirements of paragraph (4) of subdivision (b).  
20 Commencing January 1, 2003, in lieu of the inspection  
21 requirements in paragraph (1), the local building official  
22 may ensure compliance by conducting spot inspections or  
23 individual inspections in response to complaints, unless  
24 the report filed by the Chief of the Division of  
25 Occupational Safety and Health required by this  
26 paragraph finds that the requirements of paragraph (4)  
27 of subdivision (b) have not been fully integrated as  
28 standard operating procedures by the construction  
29 industry, and, in that event, the requirements of  
30 paragraph (1) shall remain in effect until January 1, 2005.

31 (3) The local building official, at a minimum, shall  
32 ensure compliance with paragraph (5) of subdivision (b)  
33 by requiring each contractor who installs CPVC pipe to  
34 file with the local building official prior to occupancy a  
35 certificate under penalty of perjury that the flushing  
36 required by paragraph (5) of subdivision (b) has been  
37 completed.

38 (e) Any contractor who fails to comply with any  
39 provision of subdivision (b) shall be liable for a civil fine  
40 of five hundred dollars (\$500) for each violation. Nothing



1 in this section shall be construed to affect the applicability  
2 of any existing law imposing liability on a manufacturer,  
3 distributor, retailer, installer, or any other person or  
4 entity under the laws of this state for liability.

5 SEC. 3. No reimbursement is required by this act  
6 pursuant to Section 6 of Article XIII B of the California  
7 Constitution for certain costs that may be incurred by a  
8 local agency or school district because in that regard this  
9 act creates a new crime or infraction, eliminates a crime  
10 or infraction, or changes the penalty for a crime or  
11 infraction, within the meaning of Section 17556 of the  
12 Government Code, or changes the definition of a crime  
13 within the meaning of Section 6 of Article XIII B of the  
14 California Constitution.

15 However, notwithstanding Section 17610 of the  
16 Government Code, if the Commission on State Mandates  
17 determines that this act contains other costs mandated by  
18 the state, reimbursement to local agencies and school  
19 districts for those costs shall be made pursuant to Part 7  
20 (commencing with Section 17500) of Division 4 of Title  
21 2 of the Government Code. If the statewide cost of the  
22 claim for reimbursement does not exceed one million  
23 dollars (\$1,000,000), reimbursement shall be made from  
24 the State Mandates Claims Fund.

25 Notwithstanding Section 17580 of the Government  
26 Code, unless otherwise specified, the provisions of this act  
27 shall become operative on the same date that the act  
28 takes effect pursuant to the California Constitution.

