

AMENDED IN SENATE MAY 6, 2008
AMENDED IN SENATE APRIL 24, 2008
AMENDED IN SENATE APRIL 16, 2008
AMENDED IN SENATE APRIL 8, 2008
AMENDED IN SENATE MARCH 24, 2008

SENATE BILL

No. 1395

Introduced by Senator Corbett

February 21, 2008

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, *based on its available resources and staffing*, to annually select *no more than 75* drinking water faucets or other drinking water plumbing fittings and fixtures for testing and evaluation, *including the locations from which to select the faucets, fittings, and fixtures*, 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 use 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.

1 (c) Without monitoring and compliance testing, consumers have
2 no way of knowing whether the drinking water plumbing and
3 faucets they purchase meet California’s safe lead content standard.

4 (d) Recent medical research studies conclusively show that lead
5 in the bloodstream is dangerous at any level.

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

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

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

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

23
24 Article 10.1.2. Lead Plumbing Monitoring and Compliance
25 Testing
26

27 25214.4.3. (a) Lead plumbing monitoring and compliance
28 testing shall be undertaken by the department, as a part of the
29 department’s ongoing program for reducing toxic substances from
30 the environment.

31 (b) For purposes of implementing this article, the department
32 shall ~~annually select~~, *based on its available resources and staffing,*
33 *annually select not more than 75* drinking water faucets or other
34 drinking water plumbing fittings and fixtures for testing and
35 evaluation, *including the locations from which to select the faucets,*
36 *fittings, and fixtures,* to determine compliance with Section 116875.

37 ~~(e) The department shall, based on its available resources and~~
38 ~~staffing, determine the appropriate number of drinking water~~
39 ~~faucets or other drinking water plumbing fittings and fixtures to~~

1 ~~annually test and evaluate, as well as the locations from which to~~
2 ~~select the faucets, fittings, and fixtures.~~

3 ~~(d)~~

4 (c) In implementing this article, the department shall use test
5 methods, protocols, and sample preparation procedures that are
6 adequate to determine total lead concentration in a drinking water
7 plumbing fitting or fixture to determine compliance with the
8 standards for the maximum allowable total lead content set forth
9 in Section 116875.

10 (e)

11 (d) (1) In selecting drinking water faucets and other drinking
12 water plumbing fittings and fixtures to test and evaluate pursuant
13 to this article, the department shall exercise its judgment regarding
14 the specific drinking water plumbing fittings or fixtures to test.

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

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

21 (f)

22 (e) The department shall annually post the results of the testing
23 and evaluation conducted pursuant to this article on its Internet
24 Web site and shall transmit these results in an annual report to the
25 State Department of Public Health.

26 SEC. 3. This act shall become operative only if Senate Bill
27 1334, of the 2007–08 Regular Session, is enacted and takes effect
28 on or before January 1, 2009.