

Senate Bill No. 1395

Passed the Senate May 12, 2008

Secretary of the Senate

Passed the Assembly August 12, 2008

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2008, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, 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 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.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Californians expect that the public health standards applicable to drinking water plumbing adopted by state government to protect against lead leaching into drinking water are being complied with.

(b) There is not currently an existing quality control program in state or federal law to ensure that drinking water plumbing, including faucets, conforms to existing state and federal standards.

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

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

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

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

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

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

Article 10.1.2. Lead Plumbing Monitoring and Compliance Testing

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

(b) For purposes of implementing this article, the department shall, based on its available resources and staffing, annually select not 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 Section 116875.

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

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

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

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

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

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

Approved _____, 2008

Governor