
SENATE RULES COMMITTEE	AB 1953
Office of Senate Floor Analyses	
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THIRD READING

Bill No: AB 1953
Author: Chan (D), et al
Amended: 6/14/06 in Senate
Vote: 21

SENATE ENV. QUALITY COMMITTEE : 5-2, 6/19/06
AYES: Simitian, Chesbro, Escutia, Kuehl, Lowenthal
NOES: Runner, Cox

SENATE APPROPRIATIONS COMMITTEE : 8-5, 8/17/06
AYES: Murray, Alarcon, Alquist, Escutia, Florez, Ortiz,
Romero, Torlakson
NOES: Aanestad, Ashburn, Battin, Dutton, Poochigian

ASSEMBLY FLOOR : 41-37, 5/31/06 - See last page for vote

SUBJECT : Lead plumbing

SOURCE : East Bay Municipal Utility District

DIGEST : This bill changes the meaning of term lead free in the Health and Safety Code from eight percent lead for pipes or pipe fittings, and four percent lead for plumbing fittings and fixtures to a weighted average of not more than 0.25 percent lead content within each component that comes into contact with the wetted surfaces of pipes and pipe fittings, plumbing fittings and fixtures effective July 1, 2010.

ANALYSIS :

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Existing Law

1. Establishes the Childhood Lead Poisoning Prevention Program in the Department of Health Services to compile information, identify target areas, and implement a program of medical treatment and environmental abatement to reduce childhood lead exposure.

2. Prohibits the manufacture, sale, or exchange of toys exceeding a certain lead content.
3. Implements a lead poisoning prevention and protection program for California schools to survey and ascertain risk factors that predict lead contamination in public schools.
4. Defines "lead free" to mean not more than 8 percent with reference to pipes and pipe fittings. With reference to plumbing fittings and fixtures, "lead free" means not more than 4 percent by dry weight after August 6, 2002, unless the Department of Health Services has adopted a standard, based on health effects, for the leaching of lead.

This bill:

1. **Revises the meaning of "lead free" from 8 percent lead for pipes or pipe fittings, and 4 percent lead for plumbing fittings and fixtures to .25 percent lead content within each component that comes into contact with the wetted surfaces of pipes and pipe fittings, plumbing fittings and fixtures effective January 1, 2010.**
2. Prohibits a person from using specified materials that are not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption, except when necessary for the repair of leaded joints of cast iron pipes.
3. Prohibits a person from introducing into commerce, for use in California, any specified material intended to convey or dispense water for human consumption that is

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not lead free.

4. Exempts plumbing fixtures and related devices that are used in manufacturing, industrial processing, for irrigation purposes, and any other uses where the water is not intended for human consumption.
5. Prohibits a person engaged in the business of selling plumbing supplies, except manufacturers, from selling solder or flux that is not lead free, unless accompanied by a prominent label stating that it is illegal to use the solder or flux in the installation or repair of any plumbing providing water for human consumption.
6. Defines "lead free" as materials containing not more than 0.2 percent lead when used with respect to solder

and flux and not more than a weighted average of 0.25 percent when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures, providing a specified definition and formula for determining "weighted average."

7. Provides declaratory language regarding state mandates and the procedure for local agencies to receive reimbursement.

FISCAL EFFECT : Appropriation: No Fiscal Com.: Yes
Local: Yes

According to the Senate Appropriations Committee:

Fiscal Effects . The Department of Health Service, which promulgates regulations to implement the standards, would incur some costs to develop and promulgate new regulations. These General Fund costs, likely to be incurred in 1009-10, would be minor. Local inspectors may incur costs to comply with the new standards, but the costs could be covered by inspection fees and therefore would be non-reimbursable.

SUPPORT : (Verified 8/18/06)

East Bay Municipal Utility District (source)
East Bay Municipal Utility District (Sponsor)

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Alice Lai-Bitker, Supervisor of Alameda County
American Federation of State, County, Municipal Employees
(AFSCME)
Breast Cancer Fund
California Association of Environmental Health Officers
California Association of Sanitation Agencies
California Communities Against Toxics
California Municipal Utilities Association
California League of Conservation Voters
California Rural Legal Assistance Foundation
California Special Districts Association (Public Policy
Advocates)
City and County of San Francisco
City of Los Angeles
Clean Water Action
Commonweal
Contra Costa Water District
County of Alameda
Defenders of Wildlife
Environment California
Environmental Justice Coalition for Water
Healthy Children Organization Project
Marin Municipal Water District
Major Antonio Villaraigosa

Natural Resources Defense Council (NRDC)
Orange County Water District
Physicians for Social Responsibility, San Francisco Bay
Area Chapter
Planning and Conservation League
San Francisco Public Utilities Commission
Santa Clara Valley Water District
Sierra Club California
Sonoma County Water Agency

OPPOSITION : (Verified 8/18/06)

Alsons Corporation
American Faucet & Coating Corporation
American Standard, Inc.
Black & Decker
Building Owners and Managers Association of California
Buttes Pipe & Supply Company
California Building Industry Association
California Business Properties Association

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California Chamber of Commerce
California Home Builders
California Professional Association of Specialty
Contractors
California Retailers Association
Center State Pipe & Supply Co.
Copper Development Association
Delta Faucet Company
Dornbracht USA, Inc.
ELKAY Manufacturing Company
Haws Corporation
Kohler Company
Los Angeles Unified School District
Moen
Non-Ferrous Founders' Society
Pacific Water Quality Association
Plastic Pipe and Fittings Association
Plumbing Heating Cooling Contractors National Association
Plumbing Manufacturers Institute
Sloan Valve Company
Southern California Water Committee
Symmons Industries
Tempress Ltd.
T&S Brass and Bronze Works, Inc.
Water Quality Association

ARGUMENTS IN SUPPORT : Proponents contend that the gradual phase-out of the use of lead-containing products within the drinking water system will help to alleviate this ongoing public health risk and that lead-free alternatives will reduce in price as the market expands and manufacturers develop new products as a consequence of the

phase-in of lead-free materials.

ARGUMENTS IN OPPOSITION : The opponents' arguments are largely contained in the following points:

- 1.No provision exists for testing or certifying according to a standard.
- 2.No method is in place for effectively restricting transshipping of nonconforming products into the state.
- 3.The bill ignores issues with respect to machining, metal

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finishing, and durability of products utilizing the prescribed alloys:

- 4.The enactment of AB 1953 would force manufacturers who wish to comply with the letter and spirit of the bill to nationally standardize all products to the California requirements.

The more general source of opposition, however, focuses on the financial impacts of this bill. The Copper Development Association, for example, states, "AB 1953 proposes an unprecedented, artificially low standard that would prohibit virtually all faucets, valves, and backflow preventers currently on the market. Although low-lead brass casting alloys have been introduced in very limited plumbing applications, they are not widely utilized in most plumbing products."

ASSEMBLY FLOOR :

AYES: Arambula, Baca, Bass, Berg, Bermudez, Chan, Chu, Coto, De La Torre, Dymally, Evans, Frommer, Goldberg, Hancock, Jerome Horton, Jones, Karnette, Klehs, Koretz, Laird, Leno, Levine, Lieber, Lieu, Liu, Montanez, Mullin, Nation, Nava, Oropeza, Pavley, Ridley-Thomas, Ruskin, Saldana, Salinas, Torrico, Umberg, Vargas, Wolk, Yee, Nunez

NOES: Aghazarian, Benoit, Blakeslee, Bogh, Canciamilla, Chavez, Cogdill, Daucher, DeVore, Emmerson, Garcia, Harman, Haynes, Shirley Horton, Houston, Huff, Keene, La Malfa, La Suer, Leslie, Matthews, Maze, McCarthy, Mountjoy, Nakanishi, Negrete McLeod, Niello, Parra, Plescia, Richman, Sharon Runner, Spitzer, Strickland, Tran, Villines, Walters, Wyland

NO VOTE RECORDED: Calderon, Cohn

CTW:do 8/18/06 Senate Floor Analyses

SUPPORT/OPPOSITION: SEE ABOVE

**** END ****