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HEALTH AND SAFETY CODE - HSC

DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119406] (*Division 104 added by Stats. 1995, Ch. 415, Sec. 6.)*

PART 12. DRINKING WATER [116270 - 117130] (*Part 12 added by Stats. 1995, Ch. 415, Sec. 6.)*

CHAPTER 5. Water Equipment and Control [116775 - 116890] (*Chapter 5 added by Stats. 1995, Ch. 415, Sec. 6.)*

ARTICLE 4. Lead Materials [116875 - 116890] (*Article 4 added by Stats. 1995, Ch. 415, Sec. 6.)*

116875. (a) No person shall use any pipe, pipe or plumbing fitting or fixture, solder, or flux that is 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.

(b) (1) No person shall introduce into commerce any pipe, pipe or plumbing fitting, or fixture intended to convey or dispense water for human consumption through drinking or cooking that is not lead free, as defined in subdivision (e). This includes kitchen faucets, bathroom faucets, and any other end-use devices intended to convey or dispense water for human consumption through drinking or cooking, but excludes service saddles, backflow preventers for nonpotable services such as irrigation and industrial, and water distribution main gate valves that are two inches in diameter and above.

(2) Pipes, pipe or plumbing fittings, or fixtures that are used in manufacturing, industrial processing, for irrigation purposes, and any other uses where the water is not intended for human consumption through drinking or cooking are not subject to the requirements of paragraph (1).

(3) For all purposes other than manufacturing, industrial processing, or to convey or dispense water for human consumption, "lead free" is defined in subdivision (f).

(c) No person engaged in the business of selling plumbing supplies, except manufacturers, shall sell solder or flux that is not lead free.

(d) No person shall introduce into commerce any solder or flux that is not lead free unless the solder or flux bears 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.

(e) For the purposes of this section, "lead free" means 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. The weighted average lead content of a pipe and pipe fitting, plumbing fitting, and fixture shall be calculated by using the following formula: The percentage of lead content within each component that comes into contact with water shall be multiplied by the percent of the total wetted surface of the entire pipe and pipe fitting, plumbing fitting, or fixture represented in each component containing lead. These percentages shall be added and the sum shall constitute the weighted average lead content of the pipe and pipe fitting, plumbing fitting, or fixture.

(f) For the purposes of paragraph (3) of subdivision (b), "lead free," consistent with the requirements of federal law, means not more than 0.2 percent lead when used with respect to solder and flux and not more than 8 percent when used with respect to pipes and pipe fittings. With respect to plumbing fittings and fixtures, "lead free" means not more than 4 percent by dry weight after August 6, 2002, unless the department has adopted a standard, based on health effects, for the leaching of lead.

(g) (1) All pipe, pipe or plumbing fittings or fixtures, solder, or flux shall be certified by an independent American National Standards Institute (ANSI) accredited third party, including, but not limited to, NSF International, as being in compliance with this section.

(2) (A) The certification described in paragraph (1) shall, at a minimum, include testing of materials in accordance with the protocols used by the Department of Toxic Substances Control in implementing Article 10.1.2 (commencing with Section 25214.4.3) of Chapter 6.5 of Division 20.

(B) The certification required pursuant to this subdivision shall not interfere with either the department's exercise of its independent authority to protect public health pursuant to this section, or the Department of Toxic Substances Control's

exercise of its independent authority to implement Article 10.1.2 (commencing with Section 25214.4.3) of Chapter 6.5 of Division 20.

(3) It is the intent of the Legislature that this subdivision only provide guidance and assistance to the entities that use an independent ANSI accredited third party to demonstrate compliance with this section. Any tests developed by an independent ANSI accredited third party in accordance with this subdivision shall have no weight of authority under California statute.

(4) Notwithstanding paragraph (1), the department shall retain its independent authority in administering this article.

(h) This section shall become operative on January 1, 2010. The requirement described in subdivision (g) shall not be construed in any manner as to justify a delay in compliance with the lead-free standard set forth in subdivision (e).

(Amended (as added by Stats. 2006, Ch. 853, Sec. 2) by Stats. 2008, Ch. 580, Sec. 2. Effective January 1, 2009. Section operative January 1, 2010, by its own provisions.)

116876. (a) Commencing January 1, 2023, a person shall not manufacture, and offer for sale in the state, an endpoint device intended to convey or dispense water for human consumption that leaches more than one microgram of lead for test statistic Q or R, when normalized for a first draw sample up to or equal to one liter in volume, as calculated in accordance with the 2020 NSF International Standard 61, which became effective in the year 2020, and certified by an American National Standards Institute-accredited third party.

(b) Commencing July 1, 2023, a person shall not introduce into commerce or offer for sale in the state an endpoint device intended to convey or dispense water for human consumption that leaches more than one microgram of lead for test statistic Q or R, when normalized for a first draw sample up to or equal to one liter in volume, as calculated in accordance with the 2020 NSF International Standard 61, which became effective in the year 2020, and certified by an American National Standards Institute-accredited third party.

(c) The consumer-facing product packaging or product labeling of an endpoint device intended to convey or dispense water for human consumption that meets the "lead free" standard specified in subdivision (e) of Section 116875 and does not leach more than one microgram of lead for test statistic Q or R, when normalized for a first draw sample up to or equal to one liter in volume, as calculated in accordance with the 2020 NSF International Standard 61, which became effective in the year 2020, and certified by an American National Standards Institute-accredited third party, shall indicate that compliance by including the lettering "NSF/ANSI/CAN 61: $Q \leq 1$ " in an easily identifiable manner.

(d) (1) For purposes of this section, "endpoint device" means a single device, such as a plumbing fitting, fixture, or faucet, that is typically installed within the last one liter of the water distribution system of a building. An endpoint device includes all of the following:

(A) Remote chillers.

(B) Lavatory faucets.

(C) Bar faucets.

(D) Kitchen faucets.

(E) Hot and cold water dispensers.

(F) Drinking fountains.

(G) Drinking fountain bubblers.

(H) Water coolers.

(I) Glass fillers.

(J) Residential refrigerator ice makers.

(2) An endpoint device does not include either of the following:

(A) Devices specifically exempted from section nine, "Mechanical Plumbing Devices," of the 2020 NSF International Standard 61, which became effective in the year 2020.

(B) Devices the 2020 NSF International Standard 61, which became effective in the year 2020, subjects to a different lead leaching standard or normalization requirement than that specified in subdivision (a).

(Added by Stats. 2021, Ch. 692, Sec. 1. (AB 100) Effective January 1, 2022.)

116880. The department shall adopt building standards to implement Section 116875. The standards shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code and shall be published in the State Building Standards Code located in Title 24 of the California Code of Regulations. The standards shall be enforced by the appropriate state and local building and health officials.

(Amended by Stats. 1997, Ch. 734, Sec. 18. Effective October 7, 1997.)

116885. (a) By July 1, 2018, a community water system shall compile an inventory of known lead user service lines in use in its distribution system and identify areas that may have lead user service lines in use in its distribution system.

(b) (1) By July 1, 2020, a community water system that has identified known lead user service lines in use in its distribution system as provided in subdivision (a) shall provide a timeline for replacement of known lead user service lines in use in its distribution system to the state board.

(2) By July 1, 2020, a community water system that has identified areas that may have lead user service lines in use in its distribution system as provided for in subdivision (a) shall do both of the following:

(A) Provide to the state board its determination as to whether there are any lead user service lines in use in those areas of its distribution system and provide a timeline to the state board for replacement of those lead user service lines that the community water system has identified.

(B) Provide its findings as to whether there are any areas for which it cannot determine the content of the user service lines and a timeline to the state board for replacement of the user service lines whose content cannot be determined.

(c) The state board shall review and approve a timeline established pursuant to subdivision (b) as follows:

(1) The state board shall review a community water system's proposed timeline for lead user service line replacement and, within 30 days of submission of the timeline to the state board, do either of the following:

(A) Approve the proposed timeline.

(B) Deny the proposed timeline and propose a revised timeline to the community water system. The state board shall explain to the community water system, in writing, why the community water system's timeline was not approved, the factors that the state board used to propose a revised timeline, and why the state board used those factors.

(2) If the state board fails to act within 30 days of the submission of the timeline, the timeline shall be deemed approved.

(3) If the public water system rejects the state board's proposed revised timeline, the public water system and the state board shall develop a compromise timeline within 30 days.

(4) An approved timeline or a compromise timeline shall be a public record and available on the state board's Internet Web site.

(5) In cases where a portion of a community water system's distribution system is located within a Superfund site, as designated under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.), under an active cleanup order, the state board shall not propose a timeline for lead user service line replacement that does not conform to any applicable federal regulatory requirements or timelines.

(Amended by Stats. 2017, Ch. 238, Sec. 1. (SB 427) Effective January 1, 2018.)

116890. (a) For purposes of this article, the following definitions apply:

(1) "Community water system" has the same meaning as in Section 116275.

(2) "Public water system" has the same meaning as in Section 116275.

(3) "State board" means the State Water Resources Control Board.

(4) "User service line" has the same meaning as in Section 64551.60 of Title 22 of the California Code of Regulations.

(b) The state board may apply the requirements of subdivision (a) of Section 116875 and Section 116885 to, and enforce the requirements of those provisions against, public water systems and community water systems under Chapter 4 (commencing with Section 116270). For purposes of Article 7 (commencing with Section 116525), Article 8 (commencing with Section 116625), and Article 9 (commencing with Section 116650) of Chapter 4, a violation of subdivision (a) of Section 116875 or Section 116885 by a public water system is a violation of Chapter 4 (commencing with Section 116270).

(Added by Stats. 2017, Ch. 238, Sec. 2. (SB 427) Effective January 1, 2018.)