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AB-100 Drinking water: endpoint devices: lead content. (2021-2022)

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Date Published: 10/11/2021 09:00 PM

Assembly Bill No. 100

CHAPTER 692

An act to add Section 116876 to the Health and Safety Code, relating to drinking water.

[Approved by Governor October 08, 2021. Filed with Secretary of State October 08, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 100, Holden. Drinking water: endpoint devices: lead content.

Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law prohibits, with certain exceptions, the use of 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. Existing law defines "lead free" for purposes of conveying or dispensing water for human consumption to mean not more than 0.2% lead when used with respect to solder and flux and not more than a weighted average of 0.25% lead when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures.

This bill would, commencing January 1, 2023, prohibit a person from manufacturing, and offering for sale in the state, an endpoint device, as defined, that does not meet a certain lead leaching standard. The bill would, commencing July 1, 2023, prohibit a person from introducing into commerce or offering for sale in the state an endpoint device that does not meet that lead leaching standard. The bill would require the consumer-facing product packaging or product labeling of an endpoint device to bear specified lettering if the endpoint device meets that lead leaching standard and the above-described definition of "lead free."

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 116876 is added to the Health and Safety Code, to read:

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).