

1
2 Councilmember Mary M. Cheh

Councilmember Muriel Bowser

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4
5 A BILL
6 _____
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8 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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11 Councilmember Muriel Bowser and Councilmember Mary M. Cheh co-introduced the
12 following bill, which was referred to the Committee on _____.
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14 To reduce the permissible lead content of plumbing materials used or introduced into
15 commerce in the District of Columbia.
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17 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

18 That this act may be cited as the “Safe Plumbing Act of 2009”.

19 Sec. 2. The District of Columbia Plumbing Code (12A DCMR §101.4.4) is
20 amended as follows:

21 A new section 101.4.4.5 is added to read as follows:

22 “101.4.4.5 Permissible Lead Content of Plumbing Materials. Notwithstanding
23 anything to the contrary in the International Plumbing Code (2006) as amended by the
24 Construction Codes Supplement (12F DCMR Plumbing Code Supplement):

25 “(a) No person shall use any pipe, pipe or plumbing fitting or fixture, solder, or
26 flux that is not lead free in the installation or repair of any public water system or any
27 plumbing in a facility providing water for human consumption, except when necessary
28 for the repair of leaded joints of cast iron pipes.

29 “(b) (1) No person shall introduce into commerce any pipe, pipe or plumbing
30 fitting, or fixture intended to convey or dispense water for human consumption through
31 drinking or cooking that is not lead free, as defined in part (e) below. This includes

1 kitchen faucets, bathroom faucets, and any other end-use devices intended to convey or
2 dispense water for human consumption through drinking or cooking, but excludes
3 service saddles, backflow preventers for nonpotable services such as irrigation and
4 industrial, and water distribution main gate valves that are two inches in diameter and
5 above.

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

10 “(3) For all purposes other than manufacturing, industrial processing, or to
11 convey or dispense water for human consumption, “lead free” is defined in part (f) below.

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

14 “(d) No person shall introduce into commerce any solder or flux that is not lead
15 free unless the solder or flux bears a prominent label stating that it is illegal to use the
16 solder or flux in the installation or repair of any plumbing providing water for human
17 consumption.

18 “(e) Unless otherwise specified, for the purposes of this section, “lead free”
19 means not more than 0.2 percent lead when used with respect to solder and flux and not
20 more than a weighted average of 0.25 percent when used with respect to the wetted
21 surfaces of pipes and pipe fittings, plumbing fittings, and fixtures. The weighted average
22 lead content of a pipe and pipe fitting, plumbing fitting, and fixture shall be calculated by
23 using the following formula: The percentage of lead content within each component that

1 comes into contact with water shall be multiplied by the percent of the total wetted
2 surface of the entire pipe and pipe fitting, plumbing fitting, or fixture represented in each
3 component containing lead. These percentages shall be added and the sum shall
4 constitute the weighted average lead content of the pipe and pipe fitting, plumbing fitting,
5 or fixture.

6 “(f) For the purposes of paragraph (3) (b), “lead free,” consistent with the
7 requirements of federal law, means not more than 0.2 percent lead when used with
8 respect to solder and flux and not more than 8 percent when used with respect to pipes
9 and pipe fittings.

10 (g) This section shall become operative on January 1, 2011.”.

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12 Sec. 3. Fiscal impact statement

13 The Council adopts the fiscal impact statement in the committee report as the
14 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
15 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02
16 (c)(3)).

17 Sec. 4. Effective date

18 This act shall take effect following approval by the Mayor (or in the event of veto
19 by the Mayor, action by Council to override the veto), a 30-day period of Congressional
20 review as provided in section 602(c)(1) of the District of Columbia Home Rule Act,
21 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and
22 publication in the District of Columbia Register.