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California State Senate

SENATOR
DARRELL STEINBERG
PRESIDENT PRO TEMPORE

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September 18, 2009

Mark B. Horton, Director
Department of Public Health
P.O. Box 997377
MSS - 0500
Sacramento, CA 95899-7377

Maureen F. Gorsen, Director
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806

Dear Directors Horton and Gorsen:

It has come to my attention that critical rulemaking necessary to implement statutes to protect Californians from the dangers of lead exposure in drinking water is still "on the drawing board," just three months away from the effective date that plumbing companies in California will no longer be able to lawfully sell their products, unless they qualify as "lead-free."

Three years ago, the Legislature enacted and Governor Schwarzenegger signed into law, AB 1953 (Chan) which required only lead-free plumbing to be sold in California on or before January 1, 2010. Last year (2008), two additional statutes were enacted [SB 1334 (Calderon) and SB 1395 (Corbett)] that relate directly to the requirements of the Chan law.

It is my understanding from a constituent plumbing company and the California Metals Coalition – both supporters of these laws, that the Departments to date have not adopted a standard on which manufacturers can rely to ensure their products meet the standards that will be mandatory in three months. In addition to being unable to sell the product currently in their inventories, manufacturers cannot adjust reliably to a standard that will pass muster with the state on January 1, 2010, as it does not yet exist.

I would appreciate an update on your Departments' progress in implementing these important public health laws. Please respond to Kathy Dresslar of my office at 916-651-4006, or in writing, by October 1, 2009 with a timeframe for implementation. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Darrell Steinberg". The signature is stylized and extends below the line of the name.

DARRELL STEINBERG
President pro Tempore

DS:kd

Cc: Gary Podany, Thrifty Supply Company, Inc.
James Simonelli, California Metals Coalition