

ASSEMBLY BILL

No. 3015

Introduced by Assembly Member Chiu

February 21, 2020

An act to add Section 3420 to the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 3015, as introduced, Chiu. State public works project: noncombustible piping materials.

Existing law authorizes contracting between state agencies and private contractors and sets forth requirements for the procurement of goods and services by state agencies and the various responsibilities of state agencies and the Department of General Services in implementing state contracting procedures and policies.

This bill would require a construction contract for a state public works project, as defined, to specify and require the installation of noncombustible drain, waste, and vent piping, except as otherwise required for the discharge of acid or corrosive chemicals under the California Buildings Standards Code.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The State of California mandates certain bidding provisions
- 4 to further policies such as public health and safety, restrictions on

1 contracting with hostile foreign governments, contractor
2 compliance with civil rights laws, and mandatory organic waste
3 recycling. The State of California also contains materials
4 preferences above and beyond building standards, such as
5 preferences for materials with lower greenhouse gas emissions.

6 (b) The use of combustible drain, waste, and vent piping in
7 buildings increases risks to firefighters, workers, and the public.
8 Combustible pipes increase the risk of fire spreading and increases
9 risks through spreading smoke or gas. When these pipes are heated,
10 they release toxic gases and when they are burned, they release
11 cancer-causing dioxins.

12 (c) These pipes begin off-gassing long before combustion at
13 low heat levels such as when a fire first begins to smolder. By the
14 time actual combustion begins, plastic piping can lose over 60
15 percent of its weight in the generation of hydrogen chloride,
16 hydrogen cyanide, and hazardous gases. These fumes may injure
17 or kill residents or firefighters much quicker during a fire than
18 inhalation of carbon monoxide from burning wood. These fumes
19 can also have a synergistic effect that causes cardiac deaths at
20 levels of exposure that individually would not be lethal.

21 (d) Cardiac fatalities are the number one cause of death in the
22 fire service and it is believed that some of these fatalities are the
23 result of hydrogen cyanide exposures combined with carbon
24 monoxide. In addition, studies have found that firefighters are at
25 significant increased risk for certain types of cancer. Research has
26 also found elevated levels of long-term respiratory and other health
27 problems in firefighters from exposures to hazardous gases such
28 as hydrochloric acid.

29 (e) Studies show that the solvent cement used to install
30 noncombustible pipe is a significant contributor to ozone pollution,
31 a major source of respiratory illness in California, and contains
32 hazardous chemicals that put workers at risk for long-term illness.

33 (f) The International Association of Firefighters recently released
34 a joint statement with the United Association of Plumbers and
35 Pipefitters calling for limiting the use of combustible drain, waste,
36 and vent piping in buildings.

37 (g) Combustible piping materials have low recycling rates and
38 disposal can result in the release of dioxins, vinyl chloride, and
39 other highly dangerous substances.

1 (h) The California Plumbing Code restricts the use of drain,
2 waste, and vent plastic piping in multifamily homes, hotels, motels,
3 nursing homes, hospitals, and healthcare clinics, but currently
4 allows it in all other occupancies.

5 (i) North Carolina, Kentucky, British Columbia, Massachusetts,
6 Chicago, and New York City all prohibit combustible piping in
7 certain specified occupancies.

8 (j) In order to protect the public, workers, and emergency
9 responders, California state agencies should specify the use of
10 noncombustible drain, waste, and vent piping when contracting
11 for construction of buildings.

12 SEC. 2. Section 3420 is added to the Public Contract Code, to
13 read:

14 3420. (a) A construction contract for a state public works
15 project shall specify and require the installation of noncombustible
16 drain, waste, and vent piping, except as otherwise required for the
17 discharge of acid or corrosive chemicals under the California
18 Buildings Standards Code.

19 (b) For the purposes of this section:

20 (1) “Noncombustible drain, waste, and vent piping” means
21 drain, waste, and vent plumbing pipe that meets the definition of
22 noncombustible in accordance with American Society for Testing
23 and Materials (ASTM) International Standard Specification E136.

24 (2) “State public works project” means a project that meets all
25 the following:

26 (A) A public works project subject to the State Contract Act
27 (Chapter 1 (commencing with Section 10100) of Part 2 of Division
28 2), Chapter 2.1 (commencing with Section 10500) of Part 2 of
29 Division 2, or the California State University Contract Law
30 (Chapter 2.5 (commencing with Section 10700) of Part 2 of
31 Division 2).

32 (B) Includes the installation of drain, waste, or vent pipe in a
33 building.

34 (C) Consists of any of the following:

35 (i) New construction.

36 (ii) Repair, replacement, alteration, modification, or addition to
37 an existing noncombustible drain, waste, or vent pipe system.

- 1 (iii) Replacement, alteration, modification, or addition of more
- 2 than 50 percent of a building's existing drain, waste, and vent pipe
- 3 system.

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