

1977—Subsec. (b)(1). Pub. L. 95-190 substituted “contaminant” for “containment” wherever appearing.

**§ 300g-6. Prohibition on use of lead pipes, solder, and flux**

**(a) In general**

**(1) Prohibitions**

**(A) In general**

No person may use any pipe, any pipe or plumbing fitting or fixture, any solder, or any flux, after June 19, 1986, in the installation or repair of—

- (i) any public water system; or
- (ii) any plumbing in a residential or non-residential facility providing water for human consumption,

that is not lead free (within the meaning of subsection (d) of this section).

**(B) Leaded joints**

Subparagraph (A) shall not apply to leaded joints necessary for the repair of cast iron pipes.

**(2) Public notice requirements**

**(A) In general**

Each owner or operator of a public water system shall identify and provide notice to persons that may be affected by lead contamination of their drinking water where such contamination results from either or both of the following:

- (i) The lead content in the construction materials of the public water distribution system.
- (ii) Corrosivity of the water supply sufficient to cause leaching of lead.

The notice shall be provided in such manner and form as may be reasonably required by the Administrator. Notice under this paragraph shall be provided notwithstanding the absence of a violation of any national drinking water standard.

**(B) Contents of notice**

Notice under this paragraph shall provide a clear and readily understandable explanation of—

- (i) the potential sources of lead in the drinking water,
- (ii) potential adverse health effects,
- (iii) reasonably available methods of mitigating known or potential lead content in drinking water,
- (iv) any steps the system is taking to mitigate lead content in drinking water, and
- (v) the necessity for seeking alternative water supplies, if any.

**(3) Unlawful acts**

Effective 2 years after August 6, 1996, it shall be unlawful—

(A) for any person to introduce into commerce any pipe, or any pipe or plumbing fitting or fixture, that is not lead free, except for a pipe that is used in manufacturing or industrial processing;

(B) for any person engaged in the business of selling plumbing supplies, except manu-

facturers, to sell solder or flux that is not lead free; or

(C) for any person to 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.

**(b) State enforcement**

**(1) Enforcement of prohibition**

The requirements of subsection (a)(1) of this section shall be enforced in all States effective 24 months after June 19, 1986. States shall enforce such requirements through State or local plumbing codes, or such other means of enforcement as the State may determine to be appropriate.

**(2) Enforcement of public notice requirements**

The requirements of subsection (a)(2) of this section shall apply in all States effective 24 months after June 19, 1986.

**(c) Penalties**

If the Administrator determines that a State is not enforcing the requirements of subsection (a) of this section as required pursuant to subsection (b) of this section, the Administrator may withhold up to 5 percent of Federal funds available to that State for State program grants under section 300j-2(a) of this title.

**(d) “Lead free” defined**

For purposes of this section, the term “lead free”—

(1) when used with respect to solders and flux refers to solders and flux containing not more than 0.2 percent lead;

(2) when used with respect to pipes and pipe fittings refers to pipes and pipe fittings containing not more than 8.0 percent lead; and

(3) when used with respect to plumbing fittings and fixtures, refers to plumbing fittings and fixtures in compliance with standards established in accordance with subsection (e) of this section.

**(e) Plumbing fittings and fixtures**

**(1) In general**

The Administrator shall provide accurate and timely technical information and assistance to qualified third-party certifiers in the development of voluntary standards and testing protocols for the leaching of lead from new plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion.

**(2) Standards**

**(A) In general**

If a voluntary standard for the leaching of lead is not established by the date that is 1 year after August 6, 1996, the Administrator shall, not later than 2 years after August 6, 1996, promulgate regulations setting a health-effects-based performance standard establishing maximum leaching levels from new plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion. The standard

shall become effective on the date that is 5 years after the date of promulgation of the standard.

**(B) Alternative requirement**

If regulations are required to be promulgated under subparagraph (A) and have not been promulgated by the date that is 5 years after August 6, 1996, no person may import, manufacture, process, or distribute in commerce a new plumbing fitting or fixture, intended by the manufacturer to dispense water for human ingestion, that contains more than 4 percent lead by dry weight.

(July 1, 1944, ch. 373, title XIV, §1417, as added Pub. L. 99-339, title I, §109(a), June 19, 1986, 100 Stat. 651; amended Pub. L. 104-182, title I, § 118, title V, §501(f)(1), Aug. 6, 1996, 110 Stat. 1645, 1691; Pub. L. 111-380, §2(a), Jan. 4, 2011, 124 Stat. 4131.)

AMENDMENT OF SUBSECTIONS (a) AND (d)

*Pub. L. 111-380, §2, Jan. 4, 2011, 124 Stat. 4131, provided that, applicable beginning on the day that is 36 months after Jan. 4, 2011, this section is amended as follows:*

*(1) by adding at the end of subsection (a) the following:*

*“(4) Exemptions*

*“The prohibitions in paragraphs (1) and (3) shall not apply to—*

*“(A) pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or*

*“(B) toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.”; and*

*(2) by amending subsection (d) to read as follows:*

*(d) Definition of lead free*

*(1) In general*

*For the purposes of this section, the term “lead free” means—*

*(A) not containing more than 0.2 percent lead when used with respect to solder and flux; and*

*(B) not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures.*

*(2) Calculation*

*The weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula: For each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to de-*

*termine compliance with paragraph (1)(B). For lead content of materials that are provided as a range, the maximum content of the range shall be used.*

AMENDMENTS

1996—Pub. L. 104-182, §501(f)(1), made technical amendment to section catchline and subsec. (a) designation.

Subsec. (a)(1). Pub. L. 104-182, §118(1), substituted “Prohibitions” for “Prohibition” in heading and amended text generally. Prior to amendment, text read as follows: “Any pipe, solder, or flux, which is used after June 19, 1986, in the installation or repair of—

“(A) any public water system, or

“(B) any plumbing in a residential or nonresidential facility providing water for human consumption which is connected to a public water system, shall be lead free (within the meaning of subsection (d) of this section). This paragraph shall not apply to leaded joints necessary for the repair of cast iron pipes.”

Subsec. (a)(2)(A). Pub. L. 104-182, §118(2), inserted “owner or operator of a” after “Each” in introductory provisions.

Subsec. (a)(3). Pub. L. 104-182, §118(3), added par. (3).

Subsec. (d)(3). Pub. L. 104-182, §118(4), added par. (3).

Subsec. (e). Pub. L. 104-182, §118(5), added subsec. (e).

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111-380, §2(b), Jan. 4, 2011, 124 Stat. 4132, provided that: “The provisions of subsections (a)(4) and (d) of section 1417 of the Safe Drinking Water Act [42 U.S.C. 300g-6(a)(4), (d)], as added by this section, apply beginning on the day that is 36 months after the date of the enactment of this Act [Jan. 4, 2011].”

NOTIFICATION TO STATES

Section 109(b) of Pub. L. 99-339 provided that: “The Administrator of the Environmental Protection Agency shall notify all States with respect to the requirements of section 1417 of the Public Health Service Act [this section] within 90 days after the enactment of this Act [June 19, 1986].”

BAN ON LEAD WATER PIPES, SOLDER, AND FLUX IN VA AND HUD INSURED OR ASSISTED PROPERTY

Section 109(c) of Pub. L. 99-339, as amended by Pub. L. 102-54, §13(q)(2), June 13, 1991, 105 Stat. 279, provided that:

“(1) PROHIBITION.—The Secretary of Housing and Urban Development and the Secretary of Veterans Affairs may not insure or guarantee a mortgage or furnish assistance with respect to newly constructed residential property which contains a potable water system unless such system uses only lead free pipe, solder, and flux.

“(2) DEFINITION OF LEAD FREE.—For purposes of paragraph (1) the term ‘lead free’—

“(A) when used with respect to solders and flux refers to solders and flux containing not more than 0.2 percent lead, and

“(B) when used with respect to pipes and pipe fittings refers to pipes and pipe fittings containing not more than 8.0 percent lead.

“(3) EFFECTIVE DATE.—Paragraph (1) shall become effective 24 months after the enactment of this Act [June 19, 1986].”

**§ 300g-7. Monitoring of contaminants**

**(a) Interim monitoring relief authority**

**(1) In general**

A State exercising primary enforcement responsibility for public water systems may modify the monitoring requirements for any regulated or unregulated contaminants for which monitoring is required other than mi-