

ASSEMBLY, No. 714

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman R. SMITH

1 AN ACT concerning lead solder or flux and supplementing P.L.1971,
2 c.134 (C.52:17B-118) and P.L.1975, c.217 (C.52:27D-119 et seq.).

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey

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7 1. a. After June 30, 1994, no person shall sell, or offer for sale, at
8 wholesale or retail any solder or flux containing lead for use in the
9 installation, replacement or repair of any plumbing utilized to provide
10 water for residential, commercial or industrial uses, including drinking
11 water, or for the collection, treatment or disposal of wastewater or
12 sewage.

13 b. After June 30, 1994, no person shall sell, or offer for sale,
14 solder or flux containing lead unless the container or other packaging
15 in which the solder or flux is sold, or offered for sale carries a label
16 affixed to the container or packaging stating that the solder or flux
17 may not be used in the installation, replacement or repair of any
18 plumbing utilized to provide water for residential, commercial or
19 industrial uses, including drinking water, or for the collection,
20 treatment or disposal of wastewater or sewage. A mislabeling of a
21 container or packaging subject to the provisions of this subsection, or
22 defacement of any relevant labeling provision required by this
23 subsection, shall be a violation of the provisions of this section.

24 c. Any person violating the provisions of this section shall be
25 subject to a penalty not less than \$200 nor more than \$1,000 for the
26 first offense, and not less than \$1,000 nor more than \$5,000 for each
27 subsequent offense. The enforcing agent shall remove or require the
28 removal of any container or packaging of solder or flux offered for
29 sale in violation of the provisions of this section. The penalty
30 provisions of this section shall be enforceable by the Attorney General,
31 a county prosecutor or a municipal prosecutor in a civil action by
32 summary proceeding in accordance with "the penalty enforcement law"
33 N.J.S.2A:58-1 et seq.

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35 2. a. After June 30, 1994, no person shall use any solder or flux

1 containing lead in the installation, replacement or repair of any
2 plumbing utilized to provide water for residential, commercial or
3 industrial uses, including drinking water, or for the collection,
4 treatment or disposal of wastewater or sewage.

5 b. Notwithstanding the provision of any other law to the contrary,
6 the Department of Community Affairs shall adopt, pursuant to the
7 provisions of the "Administrative Procedure Act," P.L.1968, c.410
8 (C.52:14B-1 et seq.), rules and regulations necessary to implement the
9 provisions of this section.

10 c. Any person violating any provision of this section shall be
11 subject to the penalty provisions of section 20 of the "State Uniform
12 Construction Code Act," P.L.1975, c.217 (C.52:27D-138)

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14 3. This act shall take effect immediately.
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17 STATEMENT

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19 This bill prohibits, after June 30, 1994:

20 (1) the wholesale or retail sale, or the offering for sale, of lead
21 solder and flux for use in plumbing utilized to provide water for
22 residential, commercial or industrial uses, or to collect, treat or
23 dispose of wastewater or sewage; and

24 (2) the use of lead solder or flux in plumbing utilized for any of the
25 foregoing purposes.

26 The bill also requires the labeling of lead solder or flux sold, or offered
27 for sale, in order to advise the purchaser that solder or flux containing
28 lead cannot be used in plumbing utilized for any of the aforesaid
29 purposes. Monetary penalties are provided for violations of the
30 provisions of the bill.

31 Under federal law, solder or flux may not contain more than 0.2%
32 lead content if used by a public water system or plumbing in a
33 residential or nonresidential facility to provide drinking water that is
34 connected to a public water system. While professional plumbers have
35 generally adhered to the federal prohibition, the prohibition is virtually
36 unenforceable against do-it-yourself homeowners. This bill attempts
37 to reach such other users, and, at the same time, and in conjunction
38 with efforts to reduce lead in drinking water, requires that the solder
39 or flux used in such plumbing not contain any lead. The provisions of
40 the bill are intended to also apply to water suppliers and municipal
41 treatment works.

42 This bill would also impose a labeling requirement on solder or flux
43 containing lead that is sold in the State, and would impose a separate
44 set of penalties for violations of the sales prohibition.

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3 Prohibits the sale or use of lead-containing solder or flux in certain

4 plumbing works, and requires warning labels on lead-containing solder

5 or flux sold in-State.