

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
GUIDANCE FROM HOTLINE COMPENDIUM

WSG H16

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Revised by: Judith Fraser

SUBJECT: Effect of the Lead Ban on Sale of Plumbing Fixtures
Containing Lead Solder

SOURCE: Peter Lassovszky

Section 1417(a) of the SDWA established a ban on the use of lead pipes containing more than eight (8) lead and solder and fluxes containing more than 0.2 percent lead. A faucet manufacturer markets a certain product across the country. The product is a do-it-yourself unit which has plastic connections, hence no need for soldering. However, a consumer safety pamphlet, included with the faucets, informs the buyer that small amounts of lead solder are used to connect and seal joints inside the unit, thus lead exposure is a possibility. If the faucet was manufactured prior to the effective date of the lead ban, can it still be sold to consumers at present? And if the faucet was made after June 19, 1986, was it illegal for the manufacturer to use lead solder and, again, can the product be marketed?

Response:

Section 1417 of the Safe Drinking Water Act (SDWA) prohibits the installation of any pipe, solder and flux in the installation or repair of any public water system, or any plumbing in a residential or non-residential facility connected to a public water system.

In addition to the SDWA, Congress amended Section 4 of the Federal Hazardous Substances Act (FHSA) to prohibit the introduction of any lead solder into interstate commerce which has a lead content in excess of 0.2 percent unless, the solder prominently displays a warning label stating the content of the lead solder, and a warning regarding the prohibited use of such solder in the joints or fittings of any private or public potable water system. 15 U.S.C. § 1263(k)

If faucets which contain lead solders used to connect and seal joints inside the unit are introduced into interstate commerce, they have to display a warning label to comply with the FHSA, regardless of the date of their manufacture. The consumer safety pamphlet included with the faucets should include identical language contained on the warning label. In its present form, the safety pamphlet could be easily misinterpreted by the consumer, who may not be aware that it is not legal to install such a faucet into his household plumbing system.

The faucets that were delivered to the distributor and retailer before the effective date of the lead ban, could be legally sold locally within the State without displaying warning labels. The same would apply to faucets manufactured and sold within the same State. However, as stated in the SDWA, installation of such faucets into any plumbing connected to a public water system would be illegal.

In summary, it is not federally illegal for the manufacturer to use lead solder in the faucets. The product can also be legally marketed, provided that the labeling provisions prescribed in the FHSA are met. However, some States may have introduced more stringent requirements prohibiting the sale and marketing of these faucets. Consumers should not install these faucets into their drinking water supply, unless the manufacturer certifies that the solder used to connect and seal joints inside the unit is lead free.