

## STATE LIMITS LEAD IN PLUMBING FIXTURES

Signed into law on June 7, 2008, Vermont's Prevention of Lead Poisoning by Exposure to Lead in Consumer Products Law (Act 193), establishes specific caps on the amount of lead that is permissible in certain consumer products, including children's products, jewelry, nonresidential paints and primers, wheel weights, salvage building materials, and plumbing fixtures. The language of the law states in relevant part:

*"Beginning January 1, 2010, no person shall **sell or offer for sale** in or into the state of Vermont, **or use** in the state of Vermont, solder or flux for plumbing containing more than 0.2 percent lead, or plumbing fixtures whose wetted surfaces contain more than a weighted average of 0.25 percent lead."* 9 V.S.A. § 2470h(2)(B). [italics and bold added]

In addition to prohibiting the sale "in or into the state of Vermont" of solder or flux used for plumbing or plumbing fixtures that exceed the prescribed limits, the law also disallows the use of any of these products within the state by any person. According to the Vermont Attorney General's Guidance on Plumbing Supplies issued on November 18, 2009, the law applies to all "pipes, fittings and fixtures used to convey or dispense water for human consumption" (i.e. drinking and/or cooking), including those covered items owned by Vermont's municipalities.

Municipalities should note that this law does not mandate the replacement of noncompliant existing plumbing solder, flux, or fixtures whether for covered or non-covered uses. It only prevents the sale or use of such noncompliant items.

Violations of this law are addressed by the Vermont Consumer Fraud Act and can result in civil penalties payable to the State of up to \$10,000 per violation and such other damages and equitable relief as found proper.

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