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**Important Notice on Vermont's Limit on Lead in Plumbing Supplies
Effective January 1, 2010**

If you sell plumbing supplies, work as a plumber, need to install plumbing in your business, or plan or construct buildings in Vermont, please read this letter.

On January 1, 2010, Vermont law will limit the amount of lead allowed in certain plumbing supplies that are sold or offered for sale in or into Vermont, or that are installed in the state, on or after that date. The limit is contained in Vermont's Lead in Consumer Products Law, Act 193, enacted in 2008, which is intended to phase out most lead from specified consumer products. Lead is very toxic, particularly to young children; can cause neurological damage such as decreases in I.Q.; and has no safe level in the human body.

The section of Act 193 that addresses plumbing is 9 V.S.A. § 2470h(2). Act 193 can be viewed online at www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/acts/ACT193.htm.

Plumbing fixtures and solder for plumbing. As of January 1, 2010, the concentration of lead in "plumbing fixtures"—pipes, fittings and fixtures used to convey or dispense water for human consumption—will be limited to a "weighted average" of 0.25 percent for fixtures and 0.20 percent for solder or flux for plumbing. California has adopted the same standard, also as of January 1, 2010. Non-compliant plumbing fixtures or supplies may not be sold or offered for sale in or into Vermont, or installed in Vermont, after that date.

(For 2009, sellers of plumbing supplies with more lead than the limits described above have been required to post disclosures and hand out written information on the risks of lead exposure. Those requirements are described in the Vermont Attorney General's online guide at www.atg.state.vt.us/assets/files/LeadinConsumerProductsLaw.pdf. There is a companion guide on lead in plumbing supplies at www.atg.state.vt.us/assets/files/LeadinPlumbing.pdf.)

Certification/Testing. Act 193 does not require plumbing supplies to be certified as meeting the statutory standard in order to be considered compliant with the law. However, sellers and installers should have a reasonable basis for believing that a particular product is compliant before selling or installing it.

In determining whether a fixture is compliant with Act 193, the statute provides that “weighted average” lead content is to be calculated by using the following formula: the percentage of lead content within each component that comes into contact with water is multiplied by the percent of the total wetted surface of the entire pipe and pipe fitting, plumbing fitting, or fixture represented in each component containing lead; these percentages are added, and the sum constitutes the weighted average lead content of the pipe and pipe fitting, plumbing fitting, or fixture. Fixtures are considered compliant if they meet the lead standard of Annex G, NSF/ANSI 61—2008 (“Weighted Average Lead Content Evaluation Procedure to a 0.25% Lead Requirement”).

Which fixtures are subject to the limit on lead? Act 193 applies to plumbing fixtures located both inside and outside a home or other building, and to both residential and commercial applications, as long as the fixtures convey or dispense water for human consumption (drinking or cooking). The Vermont Attorney General’s Office, which enforces Act 193, has identified categories of plumbing supplies that do not convey water for human consumption and therefore do not fit within the statutory definition of “plumbing fixtures.”


For guidance on which types of fixtures are subject to the limits on lead, please consult the Attorney General’s website at www.atg.state.vt.us/assets/files/LeadinPlumbing.pdf. The posted lists may be augmented from time to time, as necessary, and they may be amended by the Vermont Legislature.

Some fixtures are capable of being used for either covered *or* non-covered uses. Sellers would be well advised to notify consumers that these products should not be used to convey water for drinking or cooking. (This can be done with a clear and conspicuous disclosure posted near the product.) If a consumer, being so notified, tells a seller that a particular product is to be used for a *non-covered* purpose (e.g., in the bath), the seller is normally entitled to rely on that representation.

Liability. Under Act 193, manufacturers, importers, wholesalers, retailers and plumbers are liable for their own sale, offer for sale, or installation of non-compliant fixtures or solder. In the event of a violation, state courts have the authority, among other things, to impose civil penalties, award consumer relief, and issue appropriate orders. The Consumer Fraud Act also authorizes consumers to sue for violations of the law.

We appreciate your cooperation in reducing lead exposure to Vermont’s children.

Sincerely,


Elliot Burg
Assistant Attorney General