HOUSE . . . . . No. 4007

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 2, 2014.

The committee on Environment, Natural Resources and Agriculture to whom was referred the petition (accompanied by bill, House, No. 736) of John D. Keenan relative to environmental performance standards for plumbing fixtures, reports recommending that the accompanying bill (House, No. 4007) ought to pass.

For the committee,

ANNE M. GOBI.

HOUSE DOCKET, NO. FILED ON: 3/18/2014

HOUSE . . . . . No. 4007

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act relative to environmental performance standards for plumbing fixtures.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 142 of the General Laws, as appearing in the 20128 Official Edition, is hereby amended by inserting after the definition of " Limited undiluted liquefied petroleum gas installer", the following definitions: -

"Board" means the Massachusetts Board of State Examiners of Plumbers and Gas Fitters.

"Executive Director" means the Executive Director of the Massachusetts Board of State Examiners of Plumbers and Gas Fitters.

"Blow-out urinal" means a urinal designed for heavy-duty commercial applications that work on a powerful nonsiphonic principle.

"High-efficiency water closet" means a water closet that is either of the following: (a) A dual flush water closet with an effective flush volume that does not exceed 1.28 gallons, where effective flush volume is defined as the composite, average flush volume of two reduced flushes and one full flush. Flush volumes shall be tested in accordance with American Society of Mechanical Engineers A112.19.2 and A112.19.14. (b) A single flush water closet where the effective flush volume shall not exceed 1.28 gallons. The effective flush volume is the average flush volume when tested in accordance with American Society of Mechanical Engineers A112.19.2 .

"High-efficiency urinal" means a urinal that uses no more than 0.5 gallons per flush.

"Institutional water closet" means any water closet fixture with a design not typically found in residential or commercial applications or that is designed for a specialized application, including, but not limited to, wall-mounted floor-outlet water closets, water closets used in jails

or prisons, water closets used in bariatrics applications, and child water closets used in day care facilities.

“Nonlow-consumption flushometer valve,” “nonlow-consumption urinal,” and “nonlow-consumption water closet” mean devices that use more than 1.28 gallons per flush for toilets and more than 1.0 gallons per flush for urinals.

“Plumbing fixture" means a kitchen sink, utility sink, lavatory, bidet, toilet, urinal, bathtub or a whirlpool bathtub, tub/shower, shower, or a drinking water fountain. Plumbing fixtures receive water from plumbing fixture fittings (i.e. sink faucets, lavatory faucets, showerheads, bath fillers, etc.) which are connected to potable water supplies. Plumbing fixtures have drain outlets that discharge grey or black water in to drainline waste system.

"Toilet" means a water closet.

“Urinal” means a water-using urinal.

“Wall-mounted/wall-outlet water closets” means models that are mounted on the wall and discharge to the drainage system through the wall.

“Water Closet” means a plumbing fixture having a water containing receptor that receives liquid and solid body waste and, upon actuation, conveys the waste through an exposed integral trap seal into a drainage system.

“Water supply rough-in” means the installation of water distribution and fixture supply piping sized to accommodate a water-supplied urinal to an in-wall point immediately adjacent to the urinal location.

SECTION 2. Said chapter 142 i, is hereby further amended by inserting after Section 22 the following sections: -

Section 23. Water Saving Performance Standards.

(a) A person may not sell, offer for sale, distribute, or import into the Commonwealth a plumbing fixture, toilet or urinal for use in the Commonwealth unless it meets the water saving performance standards provided in this section and has been tested in accordance with the standards established by the American National Standards Institute.

(1) for a urinal and the associated flush valve, if any, maximum flow may not exceed an average of one gallon of water per flush;

(2) for a toilet, maximum flow may not exceed an average of 1.6 gallons of water per flush; and

(3) a drinking water fountain must be self-closing.

(b) All water closets and urinals installed or sold in the Commonwealth after September 1, 2015, shall meet performance, testing, and labeling requirements established by the American Society of Mechanical Engineers standard A112.19.2, or A112.19.14, as applicable. No other marking and labeling requirements shall be required by the state. No other listing or certification requirements shall be required by the state. All water closets and urinals installed or sold in the Commonwealth shall be listed by an American National Standards Institute accredited third-party certification agency to the appropriate American Society of Mechanical Engineers with standards set forth in this subsection as follows:

(1) All water closets sold or installed in the Commonwealth shall use no more than an average of 1.6 gallons per flush. On and after January 1, 2019, all toilets, other than institutional water closets and those utilizing a flushometer valve flushing device, sold or installed in the Commonwealth shall be high-efficiency water closets.

(2) All urinals sold or installed in the Commonwealth shall use no more than an average of one gallon per flush. On and after January 1, 2019, all urinals, other than blow-out urinals, sold or installed in the Commonwealth shall be high-efficiency urinals.

(c) Each manufacturer selling water closets or urinals in the Commonwealth shall have not less than the following percentage of models offered for sale in the Commonwealth of high-efficiency water closets plus high-efficiency urinals as compared to the total number of models of water closets plus urinals offered for sale in the Commonwealth by that manufacturer:

(1) Fifty percent in 2017.

(2) Sixty-seven percent in 2018.

(3) Seventy-five percent in 2019.

(4) Eighty-five percent in 2020.

(5) One hundred percent in 2021 and thereafter.

(d) Each manufacturer that sells water closets or urinals in the Commonwealth shall inform the Board, in writing, of the percentage of models of high-efficiency water closets plus high-efficiency urinals offered for sale in the Commonwealth as compared to the total number of models of water closets plus urinals offered for sale in the Commonwealth by that manufacturer for each year 2014 to 2018, inclusive, by January 30 of the following year.

(e) A nonwater-supplied urinal approved for installation or sold in the Commonwealth shall satisfy all of the following requirements:

(1) Meet performance, testing, and labeling requirements established by the American Society of Mechanical Engineers standard A112.19.19.

(2) Be listed by an American National Standards Institute accredited third-party certification agency to the American Society of Mechanical Engineers standard A112.19.19.

(3) Provide a trap seal that complies with the applicable building code for the local jurisdiction in which it is installed.

(4) Permit the uninhibited flow of waste through the urinal to the sanitary drainage system.

(5) Be cleaned and maintained in accordance with the manufacturer’s instructions after installation.

(6) Be installed with a water supply rough-in to the urinal location that would allow a subsequent replacement of the nonwater-supplied urinal with a water-supplied urinal if desired by the owner or if required by the local enforcement agency.

(f) Any city, county, or city and county may enact an ordinance to allow the sale and installation of nonlow-consumption water closets or urinals upon its determination that the unique configuration of building drainage systems or portions of a public sewer system within the jurisdiction, or both, requires a greater quantity of water to flush the system in a manner consistent with public health.

(g) This section does not apply to:

(1) a plumbing fixture that has been ordered by or is in the inventory of a building contractor or a wholesaler or retailer of plumbing fixtures on January 1, 1992;

(2) a fixture, such as a safety shower or aspirator faucet, that, because of the fixture's specialized function, cannot meet the standards provided by this section;

(3) a fixture originally installed before January 1, 1992, that is removed and reinstalled in the same building on or after that date; or

(4) a fixture imported only for use at the importer's domicile.

(5) water closets utilizing a flushometer valve flushing device.