

**HOUSE . . . . . No. 4815**

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**The Commonwealth of Massachusetts**

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By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, No. 3653, a Bill relative to environmental performance standards for plumbing fixtures (House, No. 4815). June 28, 2010.

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FOR THE COMMITTEE:

NAME:

Theodore C. Speliotis

DISTRICT/ADDRESS:

13th Essex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Ten

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:*

1           **SECTION 1.** Section 1 of Chapter 142 of the General Laws, as appearing in the 2006  
2 Official Edition, is hereby amended by adding the following: -

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

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

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

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

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

17 "Institutional water closet" means any water closet fixture with a design not typically found in  
18 residential or commercial applications or that is designed for a specialized application, including,  
19 but not limited to, wall-mounted floor-outlet water closets, water closets used in jails or prisons,  
20 water closets used in bariatrics applications, and child water closets used in day care facilities.

21 “Nonlow-consumption flushometer valve,” “nonlow-consumption urinal,” and “nonlow-  
22 consumption water closet” mean devices that use more than 1.6 gallons per flush for toilets and  
23 more than 1.0 gallons per flush for urinals.

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

29 "Toilet" means a water closet.

30 “Urinal” means a water-using urinal.

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

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

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

39 **SECTION 2.** Chapter 142 of the General Laws, as appearing in the 2006 Official Edition, is  
40 hereby amended by inserting after Section 22 the following sections: -

41 Section 23. Water Saving Performance Standards.

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

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

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

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

51 (b) All water closets and urinals installed or sold in the Commonwealth after September 1, 2010,  
52 shall meet performance, testing, and labeling requirements established by the American Society

53 of Mechanical Engineers standard A112.19.2-2008, or A112.19.14-2006, as applicable. No other  
54 marking and labeling requirements shall be required by the state. No other listing or certification  
55 requirements shall be required by the state. All water closets and urinals installed or sold in the  
56 Commonwealth shall be listed by an American National Standards Institute accredited third-  
57 party certification agency to the appropriate American Society of Mechanical Engineers  
58 standards set forth in this subsection as follows:

59 (1) All water closets sold or installed in the Commonwealth shall use no more than an  
60 average of 1.6 gallons per flush. On and after January 1, 2014, all toilets, other than  
61 institutional water closets and those utilizing a flushometer valve flushing device, sold or  
62 installed in the Commonwealth shall be high-efficiency water closets.

63 (2) All urinals sold or installed in the Commonwealth shall use no more than an average  
64 of one gallon per flush. On and after January 1, 2014, all urinals, other than blow-out  
65 urinals, sold or installed in the Commonwealth shall be high-efficiency urinals.

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

70 (1) Fifty percent in 2010.

71 (2) Sixty-seven percent in 2011.

72 (3) Seventy-five percent in 2012.

73 (4) Eighty-five percent in 2013.

74 (5) One hundred percent in 2014 and thereafter.

75 (d) Each manufacturer that sells water closets or urinals in the Commonwealth shall inform the  
76 Board, in writing, of the percentage of models of high-efficiency water closets plus high-  
77 efficiency urinals offered for sale in the Commonwealth as compared to the total number of  
78 models of water closets plus urinals offered for sale in the Commonwealth by that manufacturer  
79 for each year 2010 to 2013, inclusive, by January 30 of the following year.

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

82 (1) Meet performance, testing, and labeling requirements established by the American  
83 Society of Mechanical Engineers standard A112.19.19-2006.

84 (2) Be listed by an American National Standards Institute accredited third-party  
85 certification agency to the American Society of Mechanical Engineers standard  
86 A112.19.19-2006.

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

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

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

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

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

101 (g) The board shall make and maintain a current list of plumbing fixtures that are certified to the  
102 board by the manufacturer or importer to meet the water saving performance standards  
103 established by said chapter.

104 (h) To have a plumbing fixture included on the list, a manufacturer or importer must supply to  
105 the board, in the form prescribed by the board, the identification and the performance  
106 specifications of the plumbing fixture.

107 (i) This section does not apply to:

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

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

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

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

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