

HOUSE No. 736

The Commonwealth of Massachusetts

PRESENTED BY:

John D. Keenan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to environmental performance standards for plumbing fixtures.

PETITION OF:

NAME:

John D. Keenan

DISTRICT/ADDRESS:

7th Essex

HOUSE No. 736

By Mr. Keenan of Salem, a petition (accompanied by bill, House, No. 736) of John D. Keenan relative to environmental performance standards for plumbing fixtures. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 231 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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 2008
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
7 work on a powerful nonsiphonic principle.

8 "High-efficiency water closet" means a water closet that is either of the following: (a) A
9 dual 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
18 found in residential or commercial applications or that is designed for a specialized application,
19 including, but not limited to, wall-mounted floor-outlet water closets, water closets used in jails
20 or prisons, water closets used in bariatrics applications, and child water closets used in day care
21 facilities.

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

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

30 "Toilet" means a water closet.

31 “Urinal” means a water-using urinal.

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

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

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

40 SECTION 2. Chapter 142 of the General Laws, as appearing in the 2008 Official Edition,
41 is hereby amended by inserting after Section 22 the following sections: -

42 Section 23. Water Saving Performance Standards.

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

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

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

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

52 (b) All water closets and urinals installed or sold in the Commonwealth after September
53 1, 2012, shall meet performance, testing, and labeling requirements established by the American
54 Society of Mechanical Engineers standard A112.19.2, or A112.19.14, as applicable. No other
55 marking and labeling requirements shall be required by the state. No other listing or certification
56 requirements shall be required by the state. All water closets and urinals installed or sold in the
57 Commonwealth shall be listed by an American National Standards Institute accredited third-
58 party certification agency to the appropriate American Society of Mechanical Engineers with
59 standards set forth in this subsection as follows:

60 (1) All water closets sold or installed in the Commonwealth shall use no more than an
61 average of 1.6 gallons per flush. On and after January 1, 2016, all toilets, other than institutional
62 water closets and those utilizing a flushometer valve flushing device, sold or installed in the
63 Commonwealth shall be high-efficiency water closets.

64 (2) All urinals sold or installed in the Commonwealth shall use no more than an average
65 of one gallon per flush. On and after January 1, 2016, all urinals, other than blow-out urinals,
66 sold or installed in the Commonwealth shall be high-efficiency urinals.

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

71 (1) Fifty percent in 2014.

72 (2) Sixty-seven percent in 2015.

73 (3) Seventy-five percent in 2016.

74 (4) Eighty-five percent in 2017.

75 (5) One hundred percent in 2016 and thereafter.

76 (d) Each manufacturer that sells water closets or urinals in the Commonwealth shall
77 inform the Board, in writing, of the percentage of models of high-efficiency water closets plus
78 high-efficiency urinals offered for sale in the Commonwealth as compared to the total number of
79 models of water closets plus urinals offered for sale in the Commonwealth by that manufacturer
80 for each year 2012 to 2015, inclusive, by January 30 of the following year.

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

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

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

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 desired
95 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
97 installation of nonlow-consumption water closets or urinals upon its determination that the
98 unique configuration of building drainage systems or portions of a public sewer system within
99 the jurisdiction, or both, requires a greater quantity of water to flush the system in a manner
100 consistent with public health.

101 (g) This section does not apply to:

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

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

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

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

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