

HOUSE No. 3653

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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
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 1.6 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 2006 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 subsection and has been tested in accordance with the
46 standards established by the American National Standards Institute.

47 (1) For a sink or lavatory faucet or a faucet aerator, maximum flow may not exceed 2.2
48 gallons of water per minute at a pressure of 60 pounds per square inch;

49 (2) for a shower head, maximum flow may not exceed 2.5 gallons of water per minute at
50 a constant pressure over 80 pounds per square inch;

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

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

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

56 (b) All water closets and urinals installed or sold in the Commonwealth after September
57 1, 2010, shall meet performance, testing, and labeling requirements established by the American
58 Society of Mechanical Engineers standard A112.19.2-2008, or A112.19.14-2006, as applicable.
59 No other marking and labeling requirements shall be required by the state. No other listing or
60 certification requirements shall be required by the state. All water closets and urinals installed or
61 sold in the Commonwealth shall be listed by an American National Standards Institute accredited
62 third-party certification agency to the appropriate American Society of Mechanical Engineers
63 standards set forth in this subsection as follows:

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

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

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

75 (1) Fifty percent in 2010.

76 (2) Sixty-seven percent in 2011.

77 (3) Seventy-five percent in 2012.

78 (4) Eighty-five percent in 2013.

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

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

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

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

89 (2) Be listed by an American National Standards Institute accredited third-party
90 certification agency to the American Society of Mechanical Engineers standard A112.19.19-
91 2006.

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

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

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

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

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

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

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

112 (i) This section does not apply to:

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

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

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

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

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

121 Section 24. Labeling Requirements.

122 (a) A person may not sell, offer for sale, distribute, or import into the Commonwealth a
123 new commercial or residential clothes-washing machine, dish-washing machine, or lawn
124 sprinkler unless the new commercial or residential clothes-washing machine, dish-washing
125 machine, or lawn sprinkler is marked and labeled in accordance with the rules adopted by the
126 board.

127 (b) The board shall adopt rules for the marking or labeling of a new commercial or
128 residential clothes-washing machine, dish-washing machine, or lawn sprinkler. The rules must
129 require information concerning water-saving measures to be included in required marks or
130 labels. In developing marking or labeling requirements, the board shall consider the
131 technological and economical feasibility of a mark or label.

132 (c) The board by rule shall prohibit the sale, offering for sale, distribution, or importation
133 into this state of a new commercial or residential clothes-washing machine, dish-washing
134 machine, or lawn sprinkler unless:

135 (1) the manufacturer has furnished to the board, in the form prescribed by the board, the
136 identification and performance specifications of the device; and

137 (2) the clothes-washing or dish-washing machine or lawn sprinkler is labeled in
138 accordance with rules adopted by the board with a statement that describes the device's water use
139 characteristics.

140 (d) This section shall not apply to those clothes-washing or dish-washing machines that
141 are subject to and in compliance with the labeling requirements of the National Appliance
142 Energy Conservation Act of 1987, Public Law 100-12.