

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Mary E. Grant**

*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 passage of the accompanying bill:

An Act relative to environmental performance standards for plumbing fixtures.

PETITION OF:

NAME:

Mary E. Grant

DISTRICT/ADDRESS:

6th Essex

# The Commonwealth of Massachusetts

In the Year Two Thousand and 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 Official Edition, is  
2 hereby amended by adding the following: -

3

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

5

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

8

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

11

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

17 gallons. The effective flush volume is the average flush volume when tested in accordance with  
18 American Society of Mechanical Engineers A112.19.2 .

19

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

21

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

26

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

30

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

36

37 "Toilet" means a water closet.

38

39 “Urinal” means a water-using urinal.

40

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

43

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

47

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

50

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

53

54 Section 23. Water Saving Performance Standards.

55

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

60

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

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

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

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

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

69

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

77

78 (1) All water closets sold or installed in the Commonwealth shall use no more than an average of  
79 1.6 gallons per flush. On and after January 1, 2014, all toilets, other than institutional water  
80 closets and those utilizing a flushometer valve flushing device, sold or installed in the  
81 Commonwealth shall be high-efficiency water closets.

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

85

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

90

91 (1) Fifty percent in 2010.

92 (2) Sixty-seven percent in 2011.

93 (3) Seventy-five percent in 2012.

94 (4) Eighty-five percent in 2013.

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

96

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

102

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

105

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

- 108 (2) Be listed by an American National Standards Institute accredited third-party certification  
109 agency to the American Society of Mechanical Engineers standard A112.19.19-2006.
- 110 (3) Provide a trap seal that complies with the applicable building code for the local jurisdiction in  
111 which it is installed.
- 112 (4) Permit the uninhibited flow of waste through the urinal to the sanitary drainage system.
- 113 (5) Be cleaned and maintained in accordance with the manufacturer's instructions after  
114 installation.
- 115 (6) Be installed with a water supply rough-in to the urinal location that would allow a  
116 subsequent replacement of the nonwater-supplied urinal with a water-supplied urinal if desired  
117 by the owner or if required by the local enforcement agency.
- 118
- 119 (f) Any city, county, or city and county may enact an ordinance to allow the sale and installation of  
120 nonlow-consumption water closets or urinals upon its determination that the unique configuration of  
121 building drainage systems or portions of a public sewer system within the jurisdiction, or both, requires  
122 a greater quantity of water to flush the system in a manner consistent with public health.
- 123
- 124 (g) The board shall make and maintain a current list of plumbing fixtures that are certified to the board  
125 by the manufacturer or importer to meet the water saving performance standards established by said  
126 chapter.
- 127
- 128 (h) To have a plumbing fixture included on the list, a manufacturer or importer must supply to the  
129 board, in the form prescribed by the board, the identification and the performance specifications of the  
130 plumbing fixture.
- 131
- 132 (i) This section does not apply to:
- 133
- 134 (1) a plumbing fixture that has been ordered by or is in the inventory of a building contractor or  
135 a wholesaler or retailer of plumbing fixtures on January 1, 1992;
- 136 (2) a fixture, such as a safety shower or aspirator faucet, that, because of the fixture's  
137 specialized function, cannot meet the standards provided by this section;

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

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

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

142

143 Section 24. Labeling Requirements.

144

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

149

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

155

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

159

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

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

165

166 (d) This section shall not apply to those clothes-washing or dish-washing machines that are subject to  
167 and in compliance with the labeling requirements of the National Appliance Energy Conservation Act of  
168 1987, Public Law 100-12.