

By: Puente

H.B. No. 488

Substitute the following for H.B. No. 488:

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C.S.H.B. No. 488

A BILL TO BE ENTITLED

AN ACT

relating to performance standards for toilets sold in the state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 372.002, Health and Safety Code, is amended by adding Subsections (b-1) and (b-2) and amending Subsection (c) to read as follows:

(b-1) In addition to the requirements of Subsection (b), for a gravity flush toilet, the maximum flow may not exceed 2.4 gallons of water per flushing if a non-early closure flapper is installed or if the water level in the tank is raised to the maximum allowable height of the overflow tube. To accomplish this objective, the plumbing fixture shall comply with all requirements of the American National Standards Institute A112.19.2-2003, Non-Mandatory Appendix E, as that standard existed on March 17, 2003. The commission shall review subsequent amendments to that standard and determine whether the later version of the standard meets the intent of this section and therefore should be adopted as the new standard. The commission by rule may adopt the new standard if the commission determines the new standard meets the intent of this section.

(b-2) Effective January 1, 2005, in addition to the requirements of Subsection (b), for a gravity flush toilet, the maximum flow may not exceed 2.0 gallons of water per flushing if a non-early closure flapper is installed or if the water level in the

1 tank is raised to the maximum allowable height of the overflow tube.  
2 To accomplish this objective, the plumbing fixture shall comply  
3 with all requirements of the American National Standards Institute  
4 A112.19.2-2003, Non-Mandatory Appendix E, as that standard existed  
5 on March 17, 2003, except that the term "2.4 gal (9L)" shall be  
6 replaced wherever it occurs by "2.0 gallons." The commission shall  
7 review subsequent amendments to that standard and determine whether  
8 the later version of the standard meets the intent of this section  
9 and therefore should be adopted as the new standard. The commission  
10 by rule may adopt the new standard if the commission determines the  
11 new standard meets the intent of this section.

12 (c) The commission shall make and maintain a current list of  
13 plumbing fixtures that are certified to the commission by the  
14 manufacturer or importer to meet the water saving performance  
15 standards established by Subsections [~~Subsection~~] (b), (b-1), and  
16 (b-2). To have a plumbing fixture included on the list, a  
17 manufacturer or importer must supply to the commission, in the form  
18 prescribed by the commission, the identification and the  
19 performance specifications of the plumbing fixture. The  
20 manufacturer or importer must submit test results from an  
21 independent laboratory to verify that the toilet described by  
22 Subsections (b-1) and (b-2) meets the standards of those  
23 subsections. The commission may test a listed fixture to determine  
24 the accuracy of the manufacturer's or importer's certification and  
25 shall remove from the list a fixture the commission finds to be  
26 inaccurately certified.

27 SECTION 2. Not later than September 1, 2003, the Texas

1 Commission on Environmental Quality shall petition the federal  
2 Department of Energy for an exemption from any relevant federal  
3 regulations governing water and energy efficiency standards that  
4 apply to water closets.

5 SECTION 3. (a) This Act takes effect September 1, 2003.

6 (b) The change in law made by this Act applies only to a  
7 toilet described by Section 372.002(b-1) or 372.002(b-2), Health  
8 and Safety Code, as added by this Act, that is sold, offered for  
9 sale, distributed, or imported into this state for use in this state  
10 on or after January 1, 2004, or January 1, 2005, respectively.