

By: Puente

H.B. No. 3774

A BILL TO BE ENTITLED

AN ACT

relating to the performance standards for plumbing fixtures sold in this state.

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

SECTION 1. Section 372.001, Health and Safety Code, is amended by amending Subdivisions (1), (3), and (4) and adding Subdivision (2-a) to read as follows:

(1) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

(2-a) "Gravity-type flush tank toilet" means a toilet that flushes the bowl with water supplied by means of gravity.

(3) "Plumbing fixture" means a sink faucet, lavatory faucet, faucet aerator, shower head, urinal, toilet, ~~[flush valve toilet,~~ or drinking water fountain.

(4) "Toilet" means any type of ~~[a]~~ toilet or water closet ~~[except a wall-mounted toilet that employs a flushometer or flush valve]~~.

SECTION 2. Sections 372.002(a) and (b), Health and Safety Code, are amended to read as follows:

(a) A person may not sell, offer for sale, distribute, or import into this state a plumbing fixture for use in this state unless:

(1) the plumbing fixture meets the water saving performance standards provided by Subsection (b); and

1 (2) the plumbing fixture is certified by a third-party
2 product certification program accredited by the American National
3 Standards Institute [~~listed by the commission under Subsection~~
4 ~~(c)~~].

5 (b) Notwithstanding Subsection (e), the commission shall
6 adopt as [The] water saving performance standards for a plumbing
7 fixture [~~are~~] those established by the American Society of
8 Mechanical Engineers as of September 1, 2007, for such a fixture
9 [~~National Standards Institute~~] or the following standards,
10 whichever are more restrictive:

11 (1) for a sink or lavatory faucet or a faucet aerator,
12 maximum flow may not exceed 2.2 gallons of water per minute at a
13 pressure of 60 pounds per square inch, when tested according to
14 testing procedures adopted by the commission;

15 (2) for a shower head, maximum flow may not exceed 2.5
16 [~~2.75~~] gallons of water per minute at a [~~constant~~] pressure of of
17 [~~over~~] 80 pounds per square inch, when tested according to testing
18 procedures adopted by the commission;

19 (3) for a urinal [~~and the associated flush valve, if~~
20 ~~any~~], maximum flow may not exceed an average of one gallon of water
21 per flushing when tested according to the hydraulic performance
22 requirements adopted by the commission;

23 (4) for a toilet, maximum flow may not exceed an
24 average of 1.6 gallons of water per flushing when tested according
25 to the hydraulic performance requirements adopted by the
26 commission, except that a gravity-type flush tank toilet must also
27 comply with the standards established by the American Society of

1 Mechanical Engineers as of September 1, 2007, for water closet
2 bowls, tanks, and urinals;

3 (5) for a dual flush toilet, maximum flow may not
4 exceed an average of 1.6 gallons of water per flushing for solids
5 and 1.1 gallons per flushing for liquids [~~for a wall-mounted toilet~~
6 ~~that employs a flushometer or flush valve, maximum flow may not~~
7 ~~exceed an average of two gallons of water per flushing or the flow~~
8 ~~rate established by the American National Standards Institute for~~
9 ~~ultra-low flush toilets, whichever is lower]; and~~

10 (6) a drinking water fountain must be self-closing.

11 SECTION 3. Section 372.002(c), Health and Safety Code, is
12 repealed.

13 SECTION 4. The change in law made by Section 372.002, Health
14 and Safety Code, as amended by this Act, applies only to a plumbing
15 fixture sold, offered for sale, distributed, or imported into this
16 state on or after September 1, 2008. A plumbing fixture sold,
17 offered for sale, distributed, or imported into this state before
18 that date is governed by the law in effect on the date the sale,
19 offer, distribution, or importation occurred, and that law is
20 continued in effect for that purpose.

21 SECTION 5. This Act takes effect September 1, 2007.