

By: Puente

H.B. No. 3775

A BILL TO BE ENTITLED

AN ACT

1
2 relating to performance standards for plumbing fixtures sold in
3 this state.

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

5 SECTION 1. The legislature finds that:

6 (1) water conservation measures will make the most
7 effective use of the state's water resources;

8 (2) a significant part of the state's future water
9 supply will result from more efficient use of water achieved
10 through the installation in new construction projects of efficient
11 plumbing fixtures;

12 (3) many parts of the state could suffer water
13 shortages and the state could suffer a financial burden if the water
14 savings expected to be achieved by this Act do not occur;

15 (4) the United States Environmental Protection Agency
16 has launched the WaterSense program to promote water efficient
17 plumbing fixtures, including toilets, showerheads, and faucets;

18 (5) water efficiency measures result in reduced energy
19 use for pumping and treatment of water; and

20 (6) reduced energy use contributes to a reduction in
21 the emission of greenhouse gases.

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

1 (b) Notwithstanding Subsection (e), the commission shall
2 adopt as [The] water saving performance standards for a plumbing
3 fixture [are] those established by the American National Standards
4 Institute, the final standards established by the United States
5 Environmental Protection Agency under the WaterSense program
6 specification process, or the following standards, whichever are
7 more restrictive:

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

12 (2) for a residential lavatory faucet or residential
13 lavatory faucet aerator, maximum flow may not exceed 1.5 gallons of
14 water per minute at a pressure of 60 pounds per square inch and
15 minimum flow may not be less than 1.2 gallons per minute at a
16 pressure of 20 pounds per square inch when tested according to
17 testing procedures adopted by the commission;

18 (3) for a commercial lavatory faucet or commercial
19 lavatory faucet aerator, maximum flow may not exceed 0.5 gallons of
20 water per minute at a pressure of 60 pounds per square inch when
21 tested according to testing procedures adopted by the commission;

22 (4) for a shower head, maximum flow may not exceed 2.0
23 [~~2.75~~] gallons of water per minute at a constant pressure of of [~~over~~]
24 80 pounds per square inch when tested according to testing
25 procedures adopted by the commission;

26 (5) [~~(3)~~] for a urinal and the associated flush valve,
27 [~~if any,~~] maximum volume [~~flow~~] may not exceed an average of 0.5

1 gallons [~~one gallon~~] of water per flushing when tested according to
2 the hydraulic performance requirements adopted by the commission;

3 (6) [~~(4)~~] for a tank-type toilet, maximum flow may not
4 exceed an effective flush volume [~~average~~] of 1.28 [~~1.6~~] gallons of
5 water per flushing and must meet any other specification for
6 tank-type toilets adopted under the United States Environmental
7 Protection Agency WaterSense program as of January 24, 2007, when
8 tested according to the hydraulic performance requirements adopted
9 by the commission;

10 (7) [~~(5)~~] for a wall-mounted or floor-mounted toilet
11 that employs a flushometer or flush valve, maximum flush volume
12 [~~flow~~] may not exceed an average of 1.3 [~~two~~] gallons of water per
13 flushing, the flush valve may not be adjustable to use more than 1.6
14 gallons of water per flushing, and the toilet may not be designed to
15 use any interchangeable parts that are available, such as a
16 diaphragm that could cause the toilet to flush at more than 1.6
17 gallons of water per flushing [~~or the flow rate established by the~~
18 ~~American National Standards Institute for ultra-low flush toilets,~~
19 ~~whichever is lower~~]; and

20 (8) [~~(6)~~] a drinking water fountain must be
21 self-closing.

22 (b-1) In adopting standards under Subsection (b), the
23 commission shall consult for guidance the WaterSense
24 specifications adopted by the United States Environmental
25 Protection Agency for high efficiency toilets, urinals,
26 showerheads, and faucets. The commission shall review any
27 subsequent amendments to the specifications and determine whether

1 the later versions meet the intent of this section and should be
2 adopted as the new standards. The commission by rule may adopt the
3 new standards if the commission determines the new standards meet
4 the intent of this section.

5 (c) The commission shall make and maintain a current list of
6 plumbing fixtures that are certified to the commission by the
7 manufacturer or importer to meet the water saving performance
8 standards established by Subsection (b). The manufacturer or
9 importer must submit certified test results from a laboratory
10 accredited by the American National Standards Institute or a
11 similar national organization to verify that a plumbing fixture
12 meets a standard prescribed under Subsection (b). To have a
13 plumbing fixture included on the list, a manufacturer or importer
14 must supply to the commission, in the form prescribed by the
15 commission, the identification and the performance specifications
16 of the plumbing fixture. The commission may test a listed fixture
17 to determine the accuracy of the manufacturer's or importer's
18 certification and shall remove from the list a fixture the
19 commission finds to be inaccurately certified. If the commission
20 determines that the listing of any of the categories of plumbing
21 fixtures maintained and periodically updated by the United States
22 Environmental Protection Agency under the WaterSense program
23 fulfills the requirements of this section, the commission may use
24 the WaterSense listing of qualified plumbing fixtures for that
25 category.

26 SECTION 3. The change in law made by Section 372.002, Health
27 and Safety Code, as amended by this Act, applies only to a plumbing

1 fixture sold, offered for sale, distributed, or imported into this
2 state on or after September 1, 2008. A plumbing fixture sold,
3 offered for sale, distributed, or imported into this state before
4 that date is governed by the law in effect on the date the sale,
5 offer, distribution, or importation occurred, and that law is
6 continued in effect for that purpose.

7 SECTION 4. This Act takes effect September 1, 2007.