

- SUBJECT:** Stricter water efficiency standards for certain plumbing fixtures
- COMMITTEE:** Natural Resources — favorable, without amendment
- VOTE:** 8 ayes — Ritter, Callegari, Corte, Creighton, Frost, Laubenberg, D. Miller, Smithee
- 0 nays
- 3 absent — T. King, Lucio, Martinez Fischer
- WITNESSES:** For — Carole Baker, Alliance for Water Efficiency; Karen Guz, San Antonio Water System; Shawn Martin, Plumbing Manufacturers Institute; (*Registered, but did not testify*, Myron Hess, National Wildlife Federation; Ken Kramer, Lone Star Chapter, Sierra Club)
- Against — None
- BACKGROUND:** Health and Safety Code, Sec. 372.002, establishes water-saving standards for plumbing fixtures, including sinks, toilets, showerheads, dishwashers, bathtubs, showers, and water fountains.
- Standards are as follows:
- sink output cannot exceed 2.2 gallons of water per minute;
 - shower head output cannot exceed 2.75 gallons of water per minute;
 - urinals cannot flush more than one gallon of water per flushing;
 - toilets cannot flush more than 1.6 gallons of water per flushing;
 - wall mounted toilets cannot flush more than two gallons of water per flushing; and
 - water fountains must be self-closing.
- DIGEST:** HB 2667 would require manufacturers of water use devices to begin selling products that use less water. The water efficiency standards in the bill would be phased in between 2010 and 2014.

Water Efficiency Standards. The new standards would be:

- shower head output could not exceed 2.5 gallons of water per minute;
- urinals could not flush more than one-half gallon of water per flushing; and
- toilets could not flush more than 1.28 gallons of water per flushing.

Phase-in. The bill would require manufacturers of urinals and toilets to phase-in the higher efficiency models as follows:

- 50 percent by January 1, 2010;
- 67 percent by January 1, 2011;
- 75 percent by January 1, 2012; and
- 85 percent by January 1, 2013.

Manufacturers of toilets and urinals would be required to submit an annual written report to TCEQ detailing the percentage of units that met the new water efficiency standards. The report would have to be submitted each year until 2014, when all units would be required to meet the standards.

Opt-Out. Local government entities would be allowed to pass ordinances to opt out of the water efficiency requirements in the bill if their drainage or sewer systems needed more water to operate effectively.

Atypical designs. Heavy-duty urinals could use up to one gallon of water per flush. Toilets with atypical designs could use up to two gallons of water per flush. These toilets would include:

- wall mounted toilets;
- toilets in correctional facilities;
- toilets used in the practice of bariatric medicine;
- toilets in day-care facilities; and
- toilets with non-tank type bowls.

Non-water urinals. The bill would set standards regulating non-water urinals. Non-water urinals would have to meet industry performance standards, have a trap door, and drain into a drainage system. Owners would be required to install a fixture for a water-supplied urinal next to a non-water supplied urinal so that the non-water urinal could be replaced if necessary. The bill would require owners to maintain non-water urinals

and keep them clean. Non-water urinals and devices with EPA WaterSense certification would be exempt from the water efficiency requirements in the bill.

HB 2667 would abolish the fee charged by TCEQ to inspect units for accuracy. Toilets and urinals would be required to meet the performance, testing, and labeling requirements of the American Society of Mechanical Engineers, Canadian Standards Association, and American National Standards Institute.

The bill would update the definitions of commercial pre-rinse spray valves, plumbing fixtures, plumbing fixture fittings, pressurized flushing devices, and toilets to reflect innovations in the manufacturing of these products.

The bill would take effect September 1, 2009, and apply to devices sold after that date.

**SUPPORTERS
SAY:**

HB 2667 would help conserve our state's water resources. One high-efficiency toilet can conserve up to 4,000 gallons of water per year. Conserving water ensures that water resources will be available in the future to support healthy economies, ecosystems, communities, and people. Since toilets account for 30 percent of household water usage, the use of water-efficient fixtures could have a dramatic effect.

High-efficiency urinals and toilets are as effective as those that use more water. These units are currently being produced by 24 different manufacturers, who report high levels of customer satisfaction. To obtain a label through the EPA's WaterSense program, toilets must pass rigid performance and accuracy tests. Testing ensures that they are able to remove 100 percent of waste in a single flush. New high-efficiency toilets are designed to conserve water without sacrificing flushing power.

HB 2667 would provide an appropriate timetable to allow for a phase-in of new water-efficient toilets, allowing industry ample time to adjust to the shift. The plumbing industry is aware that high-efficiency toilet regulations are inevitable and has already taken steps to prepare for this transition. The bill would not require manufacturers to convert their entire inventories to high efficiency models until 2014.

OPPONENTS
SAY:

The new standards in HB 2667 could lead to stoppages along main sewer lines. High-efficiency toilets do not work as effectively as models that use more water, and consumers ultimately would blame manufactures for poor product performance. Stronger flows of water are necessary to move wastewater through older sewage and drainage lines. High-efficiency toilets can require three or four flushes to function in homes, and even then may not produce enough water pressure to work further downstream.

In the early 1990s, when 1.6 gallon per flush toilets were introduced, manufacturers were confronted with the unwanted expense associated with retrofitting their products. Repairing leaking service lines would save more water than requiring high-efficiency toilets.

NOTES:

The companion bill, SB 1688 by Hinojosa, is scheduled for a public hearing in the Senate Natural Resources Committee on April 28.