

STATE OF NEW YORK

5892--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 24, 2023

Introduced by M. of A. THIELE -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to powers and responsibilities with respect to certain plumbing fixtures

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 15-0314 of the environmental conservation law, as
2 amended by chapter 161 of the laws of 2002, subdivisions 2, 3 and 8 as
3 amended by chapter 65 of the laws of 2020, is amended to read as
4 follows:

5 § 15-0314. Powers and responsibilities with respect to certain plumbing
6 fixtures.

7 1. On and after the effective date of this section, no individual,
8 public or private corporation, political subdivision, government agency,
9 department or bureau of the state, municipality, industry, co-partner-
10 ship, association, firm, trust, estate or other legal entity shall, for
11 purposes of use in this state, distribute, sell, offer for sale, import
12 or install any sink faucet or lavatory faucet, shower head, drinking
13 water fountain, urinal or water closet, including tank-type toilets,
14 flushometer-tank toilets, flushometer-valve toilets, electromechanical
15 hydraulic toilets, and all other types of toilets that use water and
16 associated flush-valve, if any, or spray sprinkler body, unless it shall
17 meet the water saving performance standards as provided for in subdivi-
18 sion two of this section.

19 2. The water saving performance standards for sink and lavatory
20 faucets, shower heads, drinking water fountains, urinals and water clos-
21 ets, including tank-type toilets, flushometer-tank toilets, flushome-
22 ter-valve toilets, electromechanical hydraulic toilets, dual-flush
23 toilets and all other types of toilets that use water shall be as
24 follows:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (a) for lavatory faucets, at a constant water pressure of sixty pounds
2 per square inch, maximum flow shall not exceed 1.5 gallons of water per
3 minute (or .25 gallons per cycle for lavatory faucets designed as meter-
4 ing faucets) and provided that those faucet models installed in public
5 buildings must be of a self-closing variety and must be designed to
6 limit the discharged flow rate of water to a maximum of .5 gallons per
7 minute at a constant water pressure of sixty pounds per square inch or
8 must be of the metering type which limit the discharge of water to a
9 maximum of .25 gallons per cycle; and

10 (b) for sink faucets, at a constant water pressure of sixty pounds per
11 square inch, maximum flow shall not exceed 2.2 gallons of water per
12 minute; and

13 (c) for shower heads, at a constant water pressure of eighty pounds
14 per square inch, maximum flow shall not exceed 2.0 gallons of water per
15 minute; and

16 (d) for urinals and associated flush-valve, if any, maximum flow shall
17 not exceed an average of 0.5 gallons of water per flush (except for
18 urinals designated and marketed exclusively for use in prisons or mental
19 health care facilities); and

20 (e) except for water closets and toilets designed and marketed exclu-
21 sively for use in prisons or mental health care facilities, (1) for
22 water closets and associated flush-valve, if any, maximum flow shall not
23 exceed an average of 1.28 gallons of water per flush; (2) for dual-flush
24 tank-type water closets, the average of two reduced flushes and one full
25 flush shall not exceed 1.28 gallons of water per flush; and (3) for
26 dual-flush flushometer-valve water closets, maximum flow shall not
27 exceed an average of 1.28 gallons of water per flush; and

28 (f) drinking water fountains must be of a self-closing variety; and
29 (g) spray sprinkler bodies unless used for agricultural purposes
30 specifically excluded from the scope of the United States Environmental
31 Protection Agency watersense program "Specification for Spray Sprinkler
32 Bodies, Version 1.0", must include an integral pressure regulator and
33 must meet the water efficiency and performance criteria and other
34 requirements of the "Specification for Spray Sprinkler Bodies, Version
35 1.0".

36 3. Each shower head, sink or lavatory faucet, both box and product,
37 shall be marked and labeled, and each water closet or urinal, or each
38 component if the water closet or urinal is comprised of two or more
39 components, both box and product, and each spray sprinkler body, both
40 box and product, shall be marked and labeled in accordance with the
41 latest revision of the standards designated American National Standards,
42 written under American National Standards Institute (ANSI), and, as
43 applicable, the following United States Environmental Protection Agency
44 watersense program specification: showerheads (July 26, 2018), tank-type
45 toilets (June 2, 2014), lavatory faucets (October 1, 2007), flushing
46 urinals (August 14, 2009), [~~and~~] flushometer-valve toilets (December 17,
47 2015), and spray sprinkler body (September 21, 2017).

48 4. The commissioner may permit the sale and installation of water
49 closets, blow out toilets and associated flush-valves, if any, which do
50 not meet the standards provided for in subdivision two of this section
51 if after application therefor it is determined by the commissioner that
52 the installation of fixtures which meet such standards would be detri-
53 mental to the operation of the existing sewerage system or part of such
54 system, servicing such fixtures.

55 5. The provisions of this section shall not apply to fixtures which
56 were in compliance with this section and other applicable provisions of

1 law on the date on which they were installed which are removed and relo-
2 cated to another room or area of the same building or to another build-
3 ing owned or leased by the owner of the building from which such
4 fixtures were removed after the effective date of this section, nor
5 shall they apply to fixtures such as safety showers, bedpan washer
6 equipped water closets and aspirator faucets, which, in order to perform
7 a specialized function, cannot meet the standards specified in subdivi-
8 sion two of this section.

9 6. "Public building" as used in this section, means any building or
10 portion thereof, used or controlled by any department or branch of a
11 state or local government, or which is constructed wholly or partially
12 through state or municipal funds, including tax funds, funds obtained
13 through bond issues or grants or loans under any state law, which is
14 likely to be used by the public, including, but not limited to theaters,
15 concert halls, auditoriums, museums, schools, libraries, recreation
16 facilities, transportation terminals and stations, factories, office
17 buildings and building establishments. In addition, "public building"
18 includes those facilities such as stores, restaurants and hotels which
19 have restrooms which are open to the public or the clientele of the
20 facility but not including private restrooms which are part of sleeping
21 quarters in such a facility. The term "public building" does not include
22 privately owned residential structures, public housing structures, or
23 police, fire or correction structures.

24 7. "Agricultural purpose" as used in this section shall mean the prac-
25 tice of farming for crops, plants, vines and trees, and the keeping,
26 grazing, or feeding of livestock for sale of livestock or livestock
27 products, and the on-farm processing of crops, livestock and livestock
28 products.

29 8. A violation of the provisions of this section shall be liable for a
30 penalty pursuant to section 71-1127 of this chapter.

31 [~~8-~~] 9. The commissioner, to the extent practicable and appropriate,
32 shall utilize the latest revision of the standards designated American
33 National Standards, written under American National Standards Institute
34 (ANSI) procedures in determining requirements under this section, and,
35 as applicable, the following United States Environmental Protection
36 Agency watersense program specification: showerheads (July 26, 2018),
37 tank-type toilets (June 2, 2014), lavatory faucets (October 1, 2007),
38 flushing urinals (August 14, 2009), [~~and~~] flushometer-valve toilets
39 (December 17, 2015), and spray sprinkler body (September 21, 2017).

40 § 2. This act shall take effect January 1, 2025.