

PLUMBING FIXTURES

Current with material published in Conn.L.J. through 6/10/08

Sec. 21a-86a-1. Definitions

As used in these regulations, the following terms shall, unless the context requires otherwise, have the following meanings:

- (a) "ANSI" means the American National Standards Institute;
- (b) "Commissioner" means the Commissioner of the Department of Consumer Protection;
- (c) "Building Inspector" means a state or local official whose function it is to inspect and approve new building construction and building renovation;
- (d) "Plumbing fixtures" means water closets, including tank-type toilets, flushometer-tank toilets, flushometer-valve toilets, electromechanical hydraulic toilets and any other toilet that uses water; urinals; replacement aerators; showerheads; lavatory, kitchen and bathroom sink faucets; and specifically includes floor models and demonstration units; and
- (e) A "store" means a place where merchandise is kept and offered for sale.

(Effective June 22, 1990.)

Sec. 21a-86a-2. Efficiency standards

(a) This section pertains to showerheads, urinals, replacement aerators, bathroom, lavatory, and kitchen faucets, and any toilet that uses water.

(1) The manufacturer shall test samples of each model of covered plumbing fixtures to be sold at retail in Connecticut. Such testing shall occur at a laboratory to be approved by the Commissioner, and in accordance with the state building code.

(2) To be approved by the Commissioner, a laboratory shall complete and submit a Laboratory Certification Form from the Commissioner.

(b) The maximum flow rate for all new showerheads shall be 2.5 gallons per minute.

(1) All showerheads equipped with flow restrictors mechanically retained at the point of manufacture shall be tested with the restrictor in place. Mechanically retained shall mean that the insert cannot be shaken out of the showerhead, but would require a force of at least eight pounds to remove the insert.

(2) Showerheads with a radially drilled hole which is sealed when the flow restricting mechanism is in position, but which sprays water out of the side of the showerhead when the flow restricting mechanism is removed, shall also be tested with the flow restricting mechanism in place. Showerheads in which a flow restricting mechanism is not mechanically retained at the point of manufacture shall be tested with the flow restricting mechanism removed.

(c) The maximum water use for urinals shall be 1.0 gallons per flush.

(d) The maximum flow rate for replacement aerators shall be 2.5 gallons per minute.

(e) The maximum flow rate for bathroom sink, lavatory and kitchen faucets shall be 2.5 gallons per minute.

(f) Lavatories in restrooms or public facilities shall be equipped with outlet devices which limit the flow rate to 0.5 gallon per minute.

(g) The maximum water use for water closets, tank-type toilets, flushometer-tank toilets, flushometer-valve toilets, electromechanical hydraulic toilets and any other toilet that uses water shall be 1.6 gallons per flush unless and until equivalent standards for similar types of toilets are adopted by ANSI.

(Effective June 22, 1990.)

Sec. 21a-86a-3. Certification

(a) No person may sell, offer for sale or install any new showerhead, urinal, faucet or replacement aerator on and after October 1, 1990, or any new tank-type toilet, flushometer-tank toilet, flushometer-valve toilet, electromechanical hydraulic toilet or any other toilet that uses water on and after January 1, 1992 unless such showerhead, urinal, faucet, replacement aerator, tank-type toilet, flushometer-tank toilet, flushometer-valve toilet, electromechanical hydraulic toilet or any other toilet that uses water meets or exceeds the efficiency standards set forth in subsections (b) through (g) of Section 2 of these regulations, or is authorized under the conditions stated in subsection (b) of Section 3 of these regulations. The requirements of this section do not apply to the sale of plumbing fixtures which are to be sold or installed outside Connecticut.

(b) The sale of plumbing fixtures which do not meet the standards cited in subsections (b) through (g) of Section 2 of these regulations, such as those used for historical renovation or those which have technical problems, may be authorized if the Commissioner determines that compliance is not feasible or an unnecessary hardship exists. The Commissioner may also authorize the sale of plumbing fixtures, including, but not limited to, antique reproduction

plumbing fixtures, which do not meet the standards, provided such plumbing fixtures were in stock in a store located in the state before October 1, 1990, for showerheads, urinals, faucets or replacement aerators; or before January 1, 1992 for tank-type toilets, flushometer-tank toilets, flushometer-valve toilets, or electromechanical hydraulic toilets.

(c) The manufacturer shall submit to the Commissioner a certification statement listing all new plumbing fixtures covered by these regulations. The certification statement shall contain the following information:

- (1) Name and address of manufacturer;
- (2) Type of plumbing fixture;
- (3) Brand name;
- (4) Model number;
- (5) Name of laboratory where tested; and
- (6) Maximum flow or use rate.

(d) Every certification statement submitted pursuant to this section shall be dated and signed by the manufacturer or third party acting on its behalf attesting to its truth and accuracy under penalty of perjury. When the manufacturer or third party is either a corporation or business association, the certification statement shall be dated and signed by an officer thereof. Each certification statement shall contain a declaration that the model(s) complies with the provisions of this section of these regulations.

(e) Within 45 days after receipt of a certification statement, the Commissioner shall forward to the manufacturer or third party, if applicable, an acknowledgement that the statement has been received and whether or not it is complete.

(f) The results for all tests performed for certification of units pursuant to this Section shall be retained by the manufacturer for a period of two years following the model's certification. This requirement shall include the test results of models no longer being manufactured.

(g) The Commissioner or his/her authorized representative may request a copy of the test results from which the certification information for any model was derived, the name and address of the lab where the test was performed, and the date of the test. Failure to provide this information within 45 days shall result in the suspension of the model's certification.

(h) A third party may act on behalf of a manufacturer to certify a fixture. If a manufacturer allows a third party to act on its behalf, the third party shall submit with its certification

statement a signed and dated statement authorizing it to act on behalf of the manufacturer. The manufacturer remains responsible for compliance with the provisions of these regulations notwithstanding any such use of an authorized third party. Additionally, the manufacturer is liable for any claims made on its behalf by an authorized third party.

(Effective June 22, 1990.)

Sec. 21a-86a-4. Identification of complying plumbing fixtures

(a) Sufficient information shall be shown on the outside of the shipping carton for any fixture described in these regulations to permit the determination of whether the fixture complies with the requirements of these regulations. The appropriate measure of water use/flow rate or the model number as it has been certified may be used for this purpose and shall be deemed as providing sufficient information to determine compliance. Additionally, the actual tested flow/use rate, or other conspicuous marking approved by the Commissioner, shall be marked on each fixture sold or offered for sale at retail, either by means of a permanent marking on the fitting or on a label attached to the fitting and also on the unit carton in which the fitting is offered for retail sale.

(b) The Commissioner or his/her representative may require additional information if necessary to permit determination of compliance.

(c) The manufacturer's name or brand name shall appear on each fixture.

(Effective June 22, 1990.)

Sec. 21a-86a-5. Enforcement

(a) Notwithstanding the provisions of Section 3 of these regulations, the Commissioner shall have authority to challenge the test results provided by the manufacturer and cause the fixture model to be retested.

(b) The Commissioner shall cause periodic inspections to be made of distributors or retailers of the new fixtures covered by these regulations.

(c) The Commissioner of Consumer Protection or his/her representative shall have access at all reasonable times to places where distributors or retailers sell, store or maintain plumbing fixtures. Such access shall be for the purpose of making periodic inspections to determine compliance with the standards adopted pursuant to Section 2 of these regulations.

(d) Except as expressly provided herein, any test ordered by the Commissioner would involve one unit selected by the Commissioner's representative.

(1) If the performance of the unit meets or exceeds the standard set forth in Section 2 of these regulations, no further action is necessary, and the Department of Consumer Protection will pay the cost of testing.

(2) If the performance of the unit does not meet or exceed the standard set forth in Section 2 of these regulations, the manufacturer must pay the cost of testing and take whatever steps are necessary to recertify the fixture at a use/flow rate equal to or exceeding the standard. Further, the manufacturer shall provide information to the satisfaction of the Commissioner that, in the initial certification of the model, the value certified was determined in conformance with the requirements of Section 2 of these regulations.

Even if this information is provided, the manufacturer shall be required, at its own expense, to test up to two additional units selected by the Commissioner, in a laboratory acceptable to the Commissioner.

If the performance of the first of the two additional units meets or exceeds the standard set forth in Section 2 of these regulations, the second unit shall be tested. If the second unit meets or exceeds the standard, no further action shall be taken and the model shall retain its certification. If the performance of either the first or the second unit does not meet or exceed said standard, the certification for that model shall be suspended by the Commissioner's order. The results of these retests shall be provided to the Commissioner or his/her representative as a condition for recertification.

(3) If the certification for a model is suspended, the manufacturer may retest and recertify the model at its expense in a laboratory acceptable to the Commissioner or his/her representative.

(4) All test results and statistical calculations shall be provided to the Commissioner's representative. A determination of noncompliance shall result in the model's certification being suspended by the Commissioner's order. The model may not be recertified.

(5) If any of the tests of units required by the Commissioner pursuant to this subsection are not undertaken by a manufacturer, the certification for that model shall be suspended by the Commissioner's order.

(6) The Commissioner shall cause investigations to be made of complaints received concerning violations of Public Act 89-303. All such complaints shall identify the complainant by name and address and shall be in writing. The result of each investigation shall be reported to the attorney general.

(7) If the Commissioner finds that a violation of Public Act 89-303 has occurred, the violator shall be subject to a civil penalty of two hundred fifty dollars for each violation. Each violation shall be considered a separate offense and each day that such violation continues shall also be considered a separate offense.

(Effective June 22, 1990.)

Sec. 21a-86a-6. Conflicting regulations and distribution

(a) In the event of any conflict between the efficiency standards for plumbing fixtures adopted pursuant to these regulations and the state building code adopted pursuant to section 29-252 of the general statutes, the more stringent regulations shall take precedence.

(b) The Commissioner shall distribute copies of these regulations to the Commissioner of Public Safety. In addition, the Commissioner shall notify state and local building inspectors of substandard models approved for sale pursuant to subsection (b) of Section 3 of these regulations.

(Effective June 22, 1990.)