

**Sec. 21a-86.** “[P] Low-Efficiency plumbing fixture[s]” and WaterSense-Listed plumbing fixture defined. As used in sections 21a-86a to 21a-86g, inclusive, “Low-Efficiency plumbing fixture[s]” means any of the following plumbing fixtures that is not a WaterSense-Listed plumbing fixture: water closets, including tank-type toilets, flushometer-tank toilets, flushometer-valve toilets, electromechanical hydraulic toilets and any other toilet that uses water; urinals; showerheads; and bathroom, lavatory and kitchen faucets; and “WaterSense-Listed plumbing fixture” means a plumbing fixture or plumbing fixture fitting that has been: (a) tested by an accredited third-party certifying body or laboratory in accordance with the federal Environmental Protection Agency’s WaterSense program or an analogous successor program; (b) certified by the body or laboratory as meeting the performance and efficiency requirements of the program; and (c) authorized by the program to use its label.

**Sec. 21a-86a.** Regulations establishing minimum efficiency standards for plumbing fixtures and other water-saving devices. (a) On or before October 1, [1990] 2022, the Commissioner of Consumer Protection, in consultation with the State Building Inspector and the Commissioners of Public Health and Energy and Environmental Protection, shall adopt regulations in accordance with the provisions of chapter 54 [establishing] revising minimum efficiency standards for plumbing fixtures and other water-using devices, as appropriate.

(b) [The maximum water use allowed in the regulations adopted under subsection (a) of this section for showerheads, urinals, faucets and replacement aerators manufactured or sold on or after October 1, 1990, shall be as follows: For showerheads, 2.5 gallons per minute; for urinals, 1.0 gallons per flush; for bathroom sinks, lavatory and kitchen faucets and replacement aerators, 2.5 gallons per minute, except that lavatories in restrooms of public facilities shall be equipped with outlet devices which limit the flow rate to a maximum of 0.5 gallons per minute. The maximum water use allowed in the regulations adopted under subsection (a) of this section for tank-type toilets, flushometer-valve toilets, flushometer-tank toilets and electromechanical hydraulic toilets manufactured or sold on or after January 1, 1992, shall be 1.6 gallons per flush, unless and until equivalent standards for similar types of toilets are adopted by the American National Standards Institute, Inc.

(c) [Notwithstanding the provisions of [subsection (b) of this] section 21a-86b, the Commissioner of Consumer Protection, after consultation with the State Building Inspector and the Commissioners of Public Health and Energy and Environmental Protection, may increase the level of efficiency for plumbing fixtures upon determination that such increase would promote the conservation of water and energy and be cost-effective for consumers who purchase and use such fixtures. Any increased efficiency standard shall be effective one year after its adoption.

[(d)] (c) The Commissioner of Consumer Protection, in consultation with the Secretary of the Office of Policy and Management, the State Building Inspector and the Commissioners of Public Health and Energy and Environmental Protection, shall adopt regulations in accordance with the provisions of chapter 54 necessary to implement the provisions of sections 21a-86 to 21a-86g, inclusive. Such regulations [shall] may provide for (1) the sale of plumbing fixtures which do not meet the standards if the commissioner determines that compliance is not feasible or an unnecessary hardship exists and (2) 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] 2022, if a showerhead, urinal, faucet or replacement aerator or before

January 1, 1992, if a tank-type toilet, flushometer-valve toilet, flushometer-tank toilet or electromechanical hydraulic toilet].

**Sec. 21a-86b.** Compliance with standards. No person may sell, offer for sale or install any new Low-Efficiency plumbing fixture [showerhead, urinal, faucet or replacement aerator] on and after October 1, [1990] 2022 [, or any new tank-type toilet, flushometer-valve toilet, flushometer-tank toilet or electromechanical hydraulic toilet on and after January 1, 1992,] unless such plumbing fixture [showerhead, urinal, faucet, replacement aerator, tank-type toilet, flushometer-valve toilet, flushometer-tank toilet or electromechanical hydraulic toilet meets or exceeds the efficiency standards set forth in regulations adopted by the Commissioner of Consumer Protection pursuant to subsection (a) of section 21a-86a, or] is authorized under the regulations adopted by the commissioner pursuant to [subsection (d) of said] section 21a-86a.

**Sec. 21a-86c.** Procedures for testing plumbing fixtures. (a) The Commissioner of Consumer Protection, in consultation with the State Building Inspector and the Commissioners of Public Health and Energy and Environmental Protection, [shall] may establish procedures for testing the efficiency of plumbing fixtures offered for retail sale if such procedures are not established in the State Building Code adopted pursuant to section 29-252.

(b) Each manufacturer of plumbing fixtures shall test samples of such plumbing fixtures in accordance with the procedures established pursuant to this section or those established in the State Building Code, whichever are applicable. The tested flow rate shall be conspicuously marked on the unit carton in which the plumbing fixture is offered for retail sale.

**Sec. 21a-86d.** Right of access by commissioner to places where plumbing fixtures are sold, stored or maintained. (a) The Commissioner of Consumer Protection shall have access at all reasonable times to places where distributors or retailers sell, store or maintain plumbing fixtures for the purpose of making periodic inspections to determine compliance with the standards adopted pursuant to section 21a-86a and with the provisions of sections 21a-86b and 21a-86c.

(b) The commissioner, upon complaint of any person, shall investigate complaints of violations of the standards adopted pursuant to the provisions of subsection (a) of section 21a-86a.

**Sec. 21a-86e.** Precedence of more stringent regulations. In the event of any conflict between regulations establishing efficiency standards for plumbing fixtures adopted pursuant to subsection (a) of section 21a-86a and the State Building Code adopted pursuant to section 29-252, the more stringent regulations shall take precedence.

**Sec. 21a-86f.** Distribution by Commissioner of Administrative Services of regulations re plumbing fixtures. The Commissioner of Administrative Services shall distribute copies of the regulations adopted by the Commissioner of Consumer Protection pursuant to section 21a-86a to persons requesting a copy of the Connecticut supplement to the State Building Code adopted pursuant to section 29-252.

**Sec. 21a-86g.** Civil penalty. Any person who violates any provision of sections 21a-86 to 21a-86g, inclusive, shall be assessed a civil penalty of two hundred fifty dollars for each violation. Each violation shall constitute a separate offense and each day that such violation continues shall constitute a separate offense. The Attorney General, upon complaint of the Commissioner of Consumer Protection, shall institute a civil action to recover such penalty.