

development of the quantity or range of toilet models required to meet the expected demand. It should be noted that for the calendar year 2007, PMI members reported to the EPA WaterSense program that a total of 8,250,346 toilets were shipped. Of them, only 232,031 or 2.8% had a flush volume of 1.28 gpf or less. The industry is working to meet rising demand for these models, while working to ensure that performance at the lower flows is maintained. The precipitous decrease in flush volume brought on by the Energy Policy Act of 1992, where the industry was not consulted, resulted in some early models at 1.6 gpf that performed poorly. The toilet manufacturers have since worked to develop models that perform even better than their early 3.5 gpf counterparts, but only after a period of significant research and development. The industry is now working to place high performance 1.28 gpf models on the market, but requires additional time to ensure that the technical work and production expansion necessary is completed.

The timeline laid out in AB 715 represented an unprecedented show of proactivity and good faith on the part of the industry that resulted in an implementation schedule that will ensure sufficient quantities of highly performing product are available to the public. The manufacturers have been working to meet that deadline, and any effort to rush the requirement of such products could result in insufficient quantities or performance for California's homeowners. PMI therefore, urges the Building Systems Council to utilize the schedule described in AB 715 to implement a requirement for 1.28 gpf toilets.

HEALTH & SAFETY CODE SECTION 18930

SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS

- (a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:
- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
 - (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
 - (3) The public interest requires the adoption of the building standards.
 - (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
 - (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
 - (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
 - (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
 - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
 - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
 - (8) The format of the proposed building standards is consistent with that adopted by the commission.
 - (9) The proposed building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.