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## Challenge to the low-flush commode

Under Ontario law, the toilets installed in every new home must not use more than six litres of water for each flush cycle.

This is a stark contrast to the era before the 1950s, when toilets typically used 26 litres or more for each flush. By the end of the 1960s, toilets were using 20 litres, and in the 1980s, new toilets were using only 13 litres. Since 1996, the six-litre models have been mandatory.

The problem with the low-flush toilets, according to some reports, is that they don't always work on the first flush, and it often takes two or three tries to, um, get the job done.

The embarrassing truth about low-flush toilets came out in a hearing before the Building Code Commission held in Toronto earlier this year. The commission is a court-like tribunal with authority to deal with problems involving the application of the Ontario Building Code.

Last winter, Bill Zlepnig, president of Southway Inn in Ottawa, was constructing a six-storey, 75-room addition to the existing 102-unit hotel.

He had a dispute with the director of building services for Ottawa because he wanted to install 13.25-litre toilets in each of the new rooms, rather than the six-litre low-flush models. The Building Code allows 13.25-litre toilets to be used only when replacing old ones of the same size that were installed before 1996.

Zlepnig told the Building Code Commission that he conducted a four-week experiment on the reliability of low-flush toilets at his own hotel.

Last Jan. 11, at 11:30 a.m., Zlepnig replaced a 1983 toilet that used 18 to 20 litres of water per cycle with a new six-litre toilet. It became plugged three hours later, and failed again 16 times over the next four weeks. Eventually, it was removed and replaced with a new 13-litre model.

At the hearing last March, Zlepnig asked the commission for permission to use new 13-litre toilets, rather than the required six-litre size, in the Southway addition.

Plumbing the depths of his case, he said the golf balls and beer caps used in the Canadian Standards Association test for these toilets "don't replicate the real deal."

He presented evidence from other sources showing dissatisfaction with the low-flush toilets.

Admitting he didn't test all of the models on the market and that some might work better than others, Zlepnig said the current regulatory system does not ensure that the toilet he buys will work.

In its ruling, the three-man panel agreed, and said, "After all, buying a toilet should not be a crap shoot."

The commission, applying the wisdom of Solomon to the Southway case, ruled that for each 13-litre toilet to be installed in the new hotel wing instead of a six-litre model, a 20-litre toilet in the existing portion of the building had to be replaced with a 13-litre model.

Commission vice-chair Len King calculated that the decision would mean the overall water usage by all toilets in the entire building will be similar to what it would have been if Zlepnig had installed six-litre fixtures in the new wing. Zlepnig no doubt felt flushed with success at this half-win. One would hope that having to buy twice as many toilets as planned did not unduly drain his resources.

Ross Monteath, of Dupont Plumbing Supply in Toronto, told me that the company still sells lots of 13-litre toilets and they are "fine" for replacements, although some work better than others. He recommended the Japanese-made Toto toilet, which, he said, "flushes like a dream."

Our American cousins are not as lucky, and cannot buy 13-litre toilets when they are building or renovating a home. This makes people like Kurt Sutts very happy. He owns Veteran Plumbing & Supplies in Windsor, a stone's throw from the border.

Sutts imports high-flush toilets from American manufacturers, then sells them to American consumers who can't buy them at home. They then have to drive the toilets back into the States, just as if they were being smuggled. Fortunately, no Canadian or American laws are being broken, although the situation does seem ludicrous and has received much publicity in recent years.

Sutts told me last week that the availability of the 13-litre toilets is diminishing. Manufacturers, he says, are gradually cutting down on the range of colours and styles and he foresees a time when "we can't get them at all."

Homeowners on both sides of the border don't like low-flush toilets. One of them is syndicated American humour columnist Dave Barry, who longs for "the older 3.5 gallon models - the toilets that made this nation great; the toilets that our Founding Fathers fought and died for."

Barry writes about having to lurk in the bathroom at a party "for what seems (to you) like several presidential administrations, flushing, checking, waiting, flushing, checking."

Barry lives in a home with three new toilets and estimates he spends 23 per cent of his waking hours flushing them.

Canadian homeowners who hate their eco-friendly toilets look longingly at Republican Michigan Representative Joseph Knollenberg, who in 1998 introduced a bill in Congress to repeal parts of the 1992 Energy Policy Act that mandated low-flow toilets. In some circles in the U.S., he's become the Patrick Henry of porcelain, with many freedom-loving patriots rallying to support his cause.

Now, with a Republican president in the White House, there might be a chance to repeal the toilet legislation without playing potty politics.

Meanwhile, there are three options for Canadian toilet-owners who are fed-up with low-flow toilet problems. The first is to take the plunge and buy a high-capacity model.

The second is to get a new six-litre toilet with a power-assisted flush. I'm told they are somewhat noisy and expensive, but they are environmentally correct and actually work the first time.

The third, and least expensive solution, is to follow the advice of Toronto scientist and songwriter Howard Kaplan. Some years ago, Kaplan renovated his Annex house and had to replace the old toilet with a low-flush model. Kaplan is a vegetarian who wrote a musical tribute to his commode, entitled "Low Flush" (<http://www.thrinberry-frog.com>)

The key to his plumbing success is explained in the chorus:

*An ordinary toilet flushes seven gallons,*

*A not inconsiderable amount.*

*I've got a low flush toilet and a high-fibre diet*

*And I make every gallon count.*

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