

HOUSE BILL REPORT

EHB 2347

As Amended by Senate

Title: An act relating to thermal transmittance rating standards for fenestration products.

Brief Description: Changing the energy building code for glazing, doors, and skylights.

Sponsors: Representatives Morris, Horn, Bray and Springer; by request of Department of Community Development.

Brief History:

Reported by House Committee on:
Energy & Utilities, January 21, 1994, DPA;
Passed House, February 4, 1994, 92-0;
Amended by Senate.

HOUSE COMMITTEE ON ENERGY & UTILITIES

Majority Report: Do pass as amended. Signed by 9 members: Representatives Bray, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Caver; Johanson; Kessler; Kremen; and Long.

Staff: Harry Reinert (786-7110).

Background: The 1990 Legislature enacted a new residential energy code, the culmination of a multi-year effort on the part of the Northwest Power Planning Council, the Bonneville Power Administration, and others to update the state's energy code. During the negotiations over the legislation, considerable discussion focussed on the thermal performance standards that would be required of windows and the testing standards that would be used to test thermal performance. A critical concern for builders was whether required energy efficiency measures would be cost-effective.

In addressing the window standards issue, the Legislature specified higher thermal performance standards for windows in housing with electric space heat and than for housing with other sources of heat, such as natural gas, oil or heat pumps.

The Legislature also made specific reference to industry standard test procedures that would be used to determine a window's thermal performance. Windows must be tested using

the American Architectural Manufacturers Association (AAMA) 1503.1 test or the American Society for Testing Materials (ASTM) tests C236 or C976. Since the adoption of the residential energy code, window manufacturers have produced and had their windows rated under the statutorily required standards. The National Fenestration Rating Council (NFRC) has developed a test procedure that allows for computer modeling and certification to assure that windows in the market actually perform to the rated specifications. The NFRC is also developing testing procedures for doors and skylights.

Because of recent events, the current statute has created problems for window manufacturers and builders dependent on windows that satisfy the energy code's requirements. The window industry is in the middle of a transition between using the test specified in the residential energy code and a new standardized test. Because the residential energy code mandates that a particular test be used, window manufacturers could potentially be required to have windows tested under two different procedures. Window testing can be an expensive proposition, particularly for smaller manufacturers.

A second event has created additional problems for both window manufacturers and builders. A majority of windows used by Washington builders were tested by Pacific Inspection and Research Laboratory (PIRL) of Redmond. In January 1993, the Federal Trade Commission (FTC) filed a complaint against PIRL alleging that PIRL misrepresented test results and misrepresented that industry standards were used to conduct the tests. In September 1993, PIRL and the FTC entered into a consent decree that was subsequently approved by the Federal District Court in Seattle. The decree required PIRL to retract all test results through March 16, 1992. Without these test results, many Washington window manufacturers do not have windows that meet state requirements.

The State Building Code Council (SBCC) has taken some interim actions to lessen the burden the PIRL consent decree has had on window manufacturers and the building industry. The SBCC adopted an emergency rule creating a default table. The table sets presumptive thermal performance values for windows based on certain construction elements. This enables window manufacturers and builders to continue producing and using windows that do not have valid test results until a permanent solution is available or until the windows are tested in a manner that satisfies state law.

The SBCC has also adopted a new rule adopting the new industry standard tests as the standard for testing windows

to be used in Washington. In order for this rule to go into effect, a change in the residential energy code is necessary.

Summary of Bill: The state residential energy code is amended to remove the requirement that windows be tested in accordance with specific American Architectural Manufacturers Association (AAMA) and American Society for Testing Materials (ASTM) standards. Instead, windows must be tested according to appropriate standards of the National Fenestration Rating Council (NFRC). The State Building Code Council may also approve alternative testing methods for windows. The State Building Code Council is also directed to review NFRC standards for doors and skylights when they are developed. The council may adopt those standards if it determines they are appropriate. The council may also adopt alternative testing standards. Results for doors and skylights tested under the NFRC standard shall be acceptable for compliance with the state energy code.

EFFECT OF SENATE AMENDMENT(S): The Senate amendment provides an emergency clause and the bill would take effect immediately.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The effect of the federal suit against the testing laboratory and the change in industry testing standards means the energy code needs to be changed. The new industry standard test is better for consumers because it provides a certification process that will assure that windows on the market actually meet the tested values.

Testimony Against: None.

Witnesses: Judith Darst and Tim Nogler, State Building Code Council (pro); Mark Triplett, Tiz Doors (pro with amendment); Benny Barnes, city of Seattle (pro); Bill Gorman, Milgard Manufacturing (pro); John Hogan, Seattle City Light (pro); and Don Kaiser, Northwest Architectural Manufacturing Association (pro).

VOTE ON FINAL PASSAGE:

Yeas 92; Excused 5; Absent 1

Excused: Representatives Leonard, Riley, Silver, Wang, Ebersole

Absent: Representative Brown