

# HOUSE BILL REPORT

## ESHB 2172

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### As Amended by the Senate

**Title:** An act relating to the repair and maintenance of backflow prevention assemblies.

**Brief Description:** Modifying provisions on the repair and maintenance of backflow prevention assemblies.

**Sponsors:** By House Committee on Commerce & Labor (originally sponsored by Representatives Grant and Mastin).

#### **Brief History:**

##### **Committee Activity:**

Commerce & Labor: 2/26/01, 2/27/01 [DPS].

##### **Floor Activity:**

Passed House: 3/13/01, 90-4.

Senate Amended.

Passed Senate: 4/10/01, 45-3.

#### **Brief Summary of Engrossed Substitute Bill**

- Creates a specialty plumbing certificate of competency for backflow prevention assembly maintenance.
- Modifies when local building officials may require an owner of a residential dwelling to test a backflow prevention assembly on the owner's property.

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### HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt, Kenney, Lisk and McMorris.

**Staff:** Jill Reinmuth (786-7134).

#### **Background:**

State law requires that a backflow prevention device be installed in piping carrying used

water, chemicals, liquids, gases or other substances that is interconnected with piping carrying potable water if there is a possibility that undrinkable substances could flow into the pipe or potable water system. A backflow prevention device prevents undrinkable substances from flowing into pure or potable water systems.

The Department of Health and local building officials may require that a backflow assembly tester inspect certain backflow prevention devices annually. To inspect these devices, a person must be certified as a backflow assembly tester by the Department of Health. To maintain these devices within a building, the person must be certified as a journey level plumber.

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**Summary of Bill:**

A specialty plumber certificate of competency for in-line maintenance of backflow prevention assemblies within buildings is created. To qualify to take the examination to become certified in this specialty, a person must be certified as a backflow assembly tester by the Department of Health and registered as a contractor by the Department of Labor and Industries. A person need not be certified as a journey level plumber.

A person is eligible to take the examination for a specialty plumber certificate of competency if he or she completes a course of study in the plumbing trade at a school licensed by the Work Force Training and Education Coordinating Board.

Local building officials may require an owner of a residential dwelling to test a backflow prevention assembly within the property lines of the premises either at the time of installation, repair, or relocation, or when the local official finds that cross-connection control may fail to prevent pollution or contamination of the domestic water supply.

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**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendments:

Change the scope of work. A person holding a backflow prevention assembly specialty plumber certificate of competency may maintain and repair backflow prevention assemblies. (As passed the House, such a person could only maintain the assemblies.) Require rulemaking by the Department of Labor and Industries. The rules must establish criteria by which the Department will determine a person's eligibility to take the exam for the backflow prevention assembly specialty plumber certificate of competency. The criteria must be established in consultation with the state advisory board of plumbers. The rules must take effect by July 1, 2002. (As passed the House, a person is eligible to take the exam if he or she is a certified backflow assembly tester and a registered contractor.)

Add a grandfather clause. A person who is a certified backflow assembly tester and a registered contractor (or is an employee of a registered contractor) on or before July 1, 2002, may maintain and repair backflow prevention assemblies, without being a certified plumber, until January 1, 2003.

Correct obsolete language. References to licensing by the workforce training and education coordinating board are substituted for references to accreditation by the coordinating council on occupational education.

**Appropriation:** None.

**Fiscal Note:** Requested on February 22, 2001.

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

**Testimony For:** Annual testing and maintenance of backflow prevention assemblies and cross connections are essential to protect the water supply. Under current law, backflow assembly testers can maintain assemblies outside buildings, but not inside buildings. It is burdensome and costly to consumers to hire plumbers to maintain assemblies inside buildings. It creates potential public health risks when assemblies are not maintained.

**Testimony Against:** None.

**Testified:** (In support) Roger Summy, Advanced Testing and Service; Steve Herres, Steve Herres Construction and Spokane Regional Cross Connection Control Group; and Tim Cantwell, Woodinville Water District.

(In support with amendment) Gary Smith, Independent Business Association.