

HOUSE BILL REPORT

HB 1017

As Reported by House Committee On:

Environment

Appropriations Subcommittee on General Government

Title: An act relating to creating new efficiency standards.

Brief Description: Creating new efficiency standards.

Sponsors: Representatives Morris, Fitzgibbon, Fey, Lias, McCoy, Hudgins, Farrell, Morrell, Ormsby, Upthegrove and Pollet.

Brief History:

Committee Activity:

Environment: 1/16/13, 1/31/13 [DPS];

Appropriations Subcommittee on General Government: 2/20/13 [DP2S(w/o sub ENVI)].

Brief Summary of Second Substitute Bill

- Removes language allowing cities or counties to authorize locally specific ordinances for efficiency standards.
- Removes certain definitions.
- Establishes minimum energy efficiency standards for battery charger systems, battery backup systems, and uninterruptible power supplies.
- Establishes minimum water conservation standards for water closets, urinals, showerheads, and various types of faucets.

HOUSE COMMITTEE ON ENVIRONMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives McCoy, Vice Chair; Short, Ranking Minority Member; Farrell, Fey, Morris, Nealey and Tharinger.

Minority Report: Do not pass. Signed by 2 members: Representatives Pike, Assistant Ranking Minority Member; Overstreet.

Staff: Scott Richards (786-7156).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

Efficiency Standards for Electrical Products.

Washington law sets minimum energy efficiency standards for several categories of electrical products sold, offered for sale, or installed in the state, including:

- automatic commercial ice cube machines;
- commercial refrigerators and freezers;
- certain incandescent reflector lights;
- pool heaters, residential pool pumps, and portable electrical spas;
- hot water dispensers and mini-tank electric water heaters;
- wine chillers used by individuals;
- tub spout diverters;
- commercial hot food holding cabinets; and
- bottle-type and point-of-use water dispensers.

Federal law generally allows states to establish minimum energy efficiency standards for electrical products that are not currently addressed in federal law.

The Department of Commerce (Department) may recommend updates to the energy efficiency standards and test methods for products listed under the energy efficiency laws. The Department may also recommend establishing state standards for additional nonfederally covered products. In making its recommendations, the Department must use the following criteria: (1) multiple manufacturers produce products that meet the proposed standard at the time of recommendation; (2) products meeting the proposed standard are available at the time of recommendation; (3) the products are cost-effective to consumers on a life-cycle cost basis using average Washington resource rates; (4) the utility of the energy efficient product meets or exceeds the utility of the comparable product available for purchase; and (5) the standard exists in at least two other states in the United States.

Water Conservation Performance Standards.

Washington law sets minimum water conservation performance standards for several categories of plumbing fixtures, including:

- water closets (1.6 gallons per flush);
- urinals (1 gallon per flush);
- showerheads (2.5 gallons per minute); and
- faucets (2.5 gallons per minute).

No individual, public or private corporation, firm, political subdivision, government agency, or other legal entity may, for purposes of use in this state, distribute, sell, offer for sale, import, install, or approve for installation any plumbing fixtures unless the fixtures meet the water conservation performance standards.

State Building Code.

The Washington State Building Code consists of a series of national model codes and standards that regulate the construction of residential, commercial, and industrial buildings and structures.

The State Building Code Council (Council) was created by statute in 1974 to provide analysis and advice to the Legislature and the Office of the Governor on state building code issues. The Council is responsible for the adoption of rules that implement and incorporate the state's water conservation performance standards. These standards shall apply to all new construction and all remodeling involving replacement of plumbing fixtures in all residential, hotel, motel, school, industrial, commercial use, or other occupancies determined by the Council to use significant quantities of water. In addition to water conservation performance standards, the Council establishes the minimum building, mechanical, fire, and energy code requirements in Washington by reviewing, developing, and adopting the State Building Code.

Summary of Substitute Bill:

Efficiency Standards for Battery Charger Systems, Battery Backup, and Uninterruptible Power Supplies.

Minimum efficiency standards for consumer and nonconsumer battery charger systems, battery backup, and uninterruptible power supplies are established. The minimum efficiency standards for these products are incorporated by reference to the California Code of Regulations Title 20, section 1605, as of the effective date of the bill.

Large and small battery charger systems, if manufactured on or after January 1, 2014, may not be sold or offered for sale in the state on or after January 1, 2014, unless the new product meets or exceeds the efficiency standards. Large and small battery charger systems, if manufactured on or after January 1, 2014, may not be installed for compensation in the state on or after January 1, 2015, unless the new product meets or exceeds the efficiency standards.

Small battery charger systems that are not consumer products, if manufactured on or after January 1, 2017, may not be sold or offered for sale in the state unless the new product meets or exceeds the efficiency standards. Battery backup and uninterruptible power supplies that are not consumer products, if manufactured on or after January 1, 2017, may not be sold or offered for sale in the state unless the new product meets or exceeds the efficiency standards.

Certain battery charger systems are exempt from meeting the efficiency standard for battery charger systems. They include battery charger systems:

- used to charge a motor vehicle powered by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current;
- certain medical devices approved for human use under the federal Food, Drug, and Cosmetic Act and listed and approved by the United States Food and Drug Administration as a medical device;
- used to charge a battery or batteries in an illuminated exit sign;
- designed for certain stationary power application;
- battery analyzers; and
- voltage independent or voltage and frequency independent uninterruptible power supplies.

Efficiency Standards for High Light Double-Ended Quartz Halogen Lamps.

Efficiency standards for high light double-ended quartz halogen lamps (quartz halogen lamp) are established. A quartz halogen lamp must meet minimum efficiency standards of: (1) 27 lumens per watt for lamps with a minimum rated initial lumen value greater than 6,000 and a maximum initial lumen value of 15,000; and (2) 34 lumens per watt for lamps with a rated initial lumen value greater than 15,000 and less than 40,000.

Water Conservation Efficiency Standards.

Minimum efficiency standards for water closets, showerheads, urinals, faucets, and metered faucets are established under the State Building Code.

The maximum water use allowed for:

- listed types of water closets is 3.5 gallons per flush;
- showerheads is 2 gallons per minute;
- urinals is 0.5 gallon per flush;
- lavatory faucets is 1.5 gallons per minute;
- kitchen faucets is 2.2 gallons per minute;
- replacement aerators is 2.2 gallons per minute;
- public lavatory faucets other than metering faucets is 0.5 gallon per minute; and
- metered faucets is 0.26 gallon per cycle.

Metered faucets are self-closing or self-closing metering faucets that must be installed on lavatories intended to serve the transient public, such as those in, but not limited to, service stations, train stations, airports, restaurants, and convention halls.

Water closets, showerheads, urinals, faucets, and metered faucets, if manufactured on or after January 1, 2014, may not be sold or offered for sale in the state unless the new product meets or exceeds the efficiency standards. Water closets, showerheads, urinals, faucets, and metered faucets, if manufactured on or after January 1, 2014, may not be installed for compensation in the state on or after January 1, 2015, unless the new product meets or exceeds the efficiency standards.

Authorization for Ordinances Relating to Water Closets and Urinals.

A city or county may enact an ordinance authorizing the sale and installation of non-low consumption water closets or urinals upon its determination that either the unique configuration of building drainage systems or portions of a public sewer system within the jurisdiction, or both, require a greater quantity of water to flush the system in a manner consistent with public health. Cities, counties, and sewer district may prescribe more restrictive conservation requirements for water closets, urinals, and flushometer valves.

Additionally, a city or county may develop ordinances that allow water closets and urinals that do not meet the efficiency standards to be sold or installed for compensation in the state, if one of the following circumstances is met: (1) installation of the water closet or urinal in compliance with the efficiency standards would require modifications to plumbing system components located beneath a finished wall or surface; or (2) the non-low consumption water closets, urinals, and flushometer valves, if any, would be installed in a home or building that has been identified by a local, state, or federal governmental entity as a historical site, and

historically accurate water closets and urinals that comply with the flush volumes specified in the efficiency standards are not available.

Substitute Bill Compared to Original Bill:

Efficiency standards for quartz halogen lamps are added. Exemptions are provided to the battery charger system standard in alignment with California efficiency standards. Efficiency standards for nonconsumer small battery charger systems, battery back-up, and uninterruptible power supplies are added and phased in at a later date than large and small battery charger systems, in line with California efficiency standards. The efficiency standard implementation date for nonconsumer small battery charger systems, battery backup, and uninterruptible power supplies is January 1, 2017.

Testing standards are removed for water closets and urinals. The efficiency standard for water closets is increased from 1.6 gallons per flush to 3.5 gallons per flush. References to high efficiency water closets and high efficiency urinals are removed, because these terms are no longer used in the bill. The efficiency standard for urinals is changed from 1 gallon per flush to 0.5 gallon per flush. The efficiency standard for showerheads is changed from 2.5 gallons per minute to 2 gallons per minute. The efficiency standards for various faucets are changed. Lavatory faucets must use no more than 1.5 gallons per minute, rather than 2.5 gallons per minute. Kitchen faucets must use no more than 2.2 gallons per minute, rather than 2.5 gallons per minute. Replacement aerators must use no more than 2.2 gallons per minute, rather than 2.5 gallons per minute. A new efficiency standard is established for metered faucets installed on lavatories used to serve the transient public of 0.26 gallon per cycle. Definitions for "high efficiency water closet," "high efficiency urinal," "institutional water closet," and "non-low consumption flushometer valve" are removed, because the terms are no longer used in bill.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The newest electricity in the market place is always the most expensive. Anything we can do to keep us from having to build electrical generation will save us money. These efficiency standards will make the state more economically competitive regionally and internationally. The bill adds efficiency standards for electrical products and water fixtures that are often found in our homes. The measures in this bill address the issue of vampire electrical loads from battery charger systems. These battery charger systems continue to draw electricity even when the electrical product is no longer plugged in the charger. The plumbing standards in addition to saving water, also save energy. By using less water, less energy is used to heat up water, treat wastewater, and pump water in the distribution system.

It is the hope of many that the entire west coast will adopt the battery charger system standards, saving significant amounts of energy. Most manufacturers are moving toward this charger standard. These products will save consumers money while improving the environment. There are concerns about the cost of compliance with the quartz halogen light standards. They have not been adopted in other regions and the rules would be costly to establish and implement. There are a few issues that need to be corrected to bring in line the standards with the California electrical efficiency code. The California efficiency code differentiated between consumer and nonconsumer battery charger systems, allowing nonconsumer products to be phased in at a later date. Battery analyzers and a la carte battery charger systems need to be exempted from the standards.

(In support with concerns) By adopting the Green Energy Construction Code, it may be a good way for the state to keep up with the most up-to-date green building codes available.

(With concerns) The Council should be able to look at these standards and come back with recommendations.

(Opposed) The water conservation standards may already be in the State Building Code.

Persons Testifying: (In support) Representative Morris, prime sponsor; Kim Drury, Northwest Energy Coalition; Charlie Stevens, Northwest Energy Efficiency Alliance; Al Dietemann, Seattle Public Utilities; Bruce Wishart, Sierra Club; Jim Lazar; Miguel Perez-Gibson, Climate Solutions; Tony Usibelli, Department of Commerce; John Rothlin, Avista; and Michael Brent, Cascade Water Alliance.

(In support with concerns) Kraig Stevenson, International Code Council.

(With concerns) Jeanette McKague, Washington Realtors; and Mark Bare, Motorola.

(Opposed) Bill Stauffacher, Building Industry Association of Washington.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment. Signed by 5 members: Representatives Hudgins, Chair; Dunshee, Hunt, Pedersen and Springer.

Minority Report: Do not pass. Signed by 4 members: Representatives Parker, Ranking Minority Member; Buys, Chandler and Taylor.

Staff: Danielle Cruver (786-7157).

Summary of Recommendation of Committee On Appropriations Subcommittee on General Government Compared to Recommendation of Committee On Environment:

The Appropriations Subcommittee on General Government recommended the removal of the authorization for cities and counties to amend efficiency standards for local jurisdictions and the removal of certain definitions.

Appropriation: None.

Fiscal Note: Available

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill has bipartisan support. Other states are already on this system. It is good for the environment and good for the economy and consumers. Households use the same energy amounts as they did 30 years ago because of the amount of rechargeable devices.

(Opposed) Washington Realtors already work with the State Building Code Council to develop and adopt energy codes. This bill should be changed to remove language referencing other states' energy code standards.

Persons Testifying: (In support) Kim Drury, Northwest Energy Coalition.

(Opposed) Jeanette McKagne, Washington Realtors.

Persons Signed In To Testify But Not Testifying: None.