HOUSE BILL REPORT
ESHB 2430

As Passed House:
February 12, 2016

Title: An act relating to preserving water resources for an array of water supply needs, including irrigated agriculture, fish and wildlife habitat, and municipal use, by updating water conservation standards for appliances.

Brief Description: Preserving water resources for an array of water supply needs, including irrigated agriculture, fish and wildlife habitat, and municipal use, by updating water conservation standards for appliances.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Stanford, Lytton, Tarleton and Fitzgibbon).

Brief History:
Committee Activity:
Agriculture & Natural Resources: 1/20/16, 1/27/16 [DPS].
Floor Activity:
Passed House: 2/12/16, 50-45.

Brief Summary of Engrossed Substitute Bill

- Changes water conservation performance standards (performance standards) for waterclosets, urinals, showerheads, and faucets, and prohibits the sale of fixtures that do not meet these performance standards beginning July 1, 2018.
- Directs the State Building Code Council to adopt rules necessary to implement changes to these standards no later than during the 2018 code adoption process.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Blake, Chair; Walkinshaw, Vice Chair; Hurst, Lytton, Pettigrew, Stanford and Van De Wege.

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.

Minority Report: Do not pass. Signed by 5 members: Representatives Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Orcutt and Schmick.

Minority Report: Without recommendation. Signed by 1 member: Representative Kretz.

Staff: Rebecca Lewis (786-7339).

Background:

Water Conservation Performance Standards.
Washington law sets minimum water conservation performance standards (performance standards) for several categories of plumbing fixtures including: waterclosets; urinals; showerheads; and faucets. The performance standards supersede all local government codes; may not be amended by cities, towns, or counties; and apply to all new construction and remodeling projects which involve replacement of plumbing fixtures. Minimum performance standards for most plumbing fixtures were last updated in 1993.

The State Building Code Council provides analysis and advice to the Legislature and the Office of the Governor on state building code issues and adopts rules that implement and incorporate the state's performance standards. Updates to the state building code and performance standards are made on a three-year cycle.

Types of Waterclosets.
Flushometer toilets are typically used in institutional, office, or commercial buildings, whereas tank-type toilets are typically used in residential settings. Flushometer toilets have a pressurized water supply with a valve to regulate water between each flush, and include flushometer-valve and flushometer-tank toilets.

Summary of Engrossed Substitute Bill:

The following changes to the performance standards must be implemented by July 1, 2019:

Appliance Type	Previous Standard	Effective Date	New Standard Effective July 1, 2019
Tank-type toilet	1.6 gpf*	July 1, 1993	1.28 gpf
Flushometer nontank toilet (flushometer-valve)	3.5 gpf	July 1, 1990	1.6 gpf
Urinals	1.0 gpf	July 1, 1993	0.5 gpf
Lavatory faucets	2.5 gpm**	July 1, 1993	1.2 gpm
Kitchen faucets	2.5 gpm	July 1, 1993	2.2 gpm
Replacement aerators	2.5 gpm	July 1, 1993	2.2 gpm

*gpf = gallons per flush
**gpm = gallons per minute

A performance standard of 0.26 gallons per cycle is established for metered faucets, and 0.5 gpm for public lavatory faucets, other than metering faucets. Additionally, a performance standard for all flushometer toilets of 1.28 gpf must be effective by July 1, 2022.

The State Building Code Council must adopt rules necessary to implement the new performance standards during the 2018 code adoption process. The performance standards do not apply to alternative technologies that do not rely on water flushing in order to function, such as incineration toilets or composting toilets.

All fixtures, fittings, and toilets except toilets used by children in day-care facilities, toilets used in correctional facilities, juvenile confinement facilities, and certain mental health facilities, and toilets in bariatric applications, sold, offered for sale, or distributed in the state must meet the new performance standards by July 1, 2018. A retailer may sell products that do not meet the new standards if they can provide proof that the product was in stock and physically at the retail location prior to July 1, 2018. Such products may be sold until supply is depleted or until January 1, 2019.

References to "flushometer-valve" toilets are changed to "flushometer nontank" toilets.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) There has been a lot of talk about drought and water efficiency recently. This bill changes the state's water conservation performance standards (performance standards) to improve efficiency and conserve water resources. The changes will be made during the State Building Code Council's upcoming code adoption process, which is the appropriate mechanism for updating the performance standards. After this update, the state performance standards will conform to model standards. When the state performance standards were last updated in 1993 they were ahead of federal standards. They will be again if this bill is passed. A bill to update the performance standards introduced in 2014 had bipartisan support.

Plumbing fixtures account for a significant proportion of household water use. Changing the performance standards for plumbing fixtures is a significant way to reduce water usage, and will have a positive impact in rural areas where water supply is limited. Fixtures in many office buildings already conform to the new state performance standards, so people are already familiar with technologies that meet these standards. The burden on most consumers is limited. There are already many appliances available for sale that comply with the standards proposed in this bill. The two-step approach to update the performance standard for flushometer-valve toilets is appropriate since they use more water and the performance

standard is higher than other toilets. If the new performance standards are adopted, water usage will drop.

It is not unusual for this bill to come before the Agriculture and Natural Resources committee because it addresses conservation of natural resources. There have been significant agricultural and salmon losses because of recent drought conditions. In light of these conditions, it is encouraging to see an effort at the state level to update the performance standards. Water conservation and energy conservation are closely linked. It takes energy to pump water, and, in some cases, it takes water to generate electricity. By conserving one, the other is also conserved.

(Opposed) None.

Persons Testifying: Representative Stanford, prime sponsor; Kraig Stevenson, International Code Council; JJ McCoy, Northwest Energy Coalition; Tony Usibelli, Department of Commerce; Bruce Wishart, Sierra Club and Center for Environmental Law and Policy; and David Monthie, Utility Advisory Committee.

Persons Signed In To Testify But Not Testifying: None.