

HOUSE BILL REPORT

ESHB 2327

As Passed House:
February 13, 2018

Title: An act relating to appliance efficiency standards.

Brief Description: Concerning appliance efficiency standards.

Sponsors: House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Hudgins, Tarleton, Fey, Slatter, Fitzgibbon, Macri, Ormsby and Doglio).

Brief History:

Committee Activity:

Technology & Economic Development: 1/11/18, 1/25/18 [DPS].

Floor Activity:

Passed House: 2/13/18, 53-45.

Brief Summary of Engrossed Substitute Bill

- Repeals federally preempted appliance efficiency and testing standards.
- Amends the state appliance efficiency and testing standards for certain state-covered appliances.
- Establishes new minimum efficiency and testing standards for certain appliances.
- Authorizes the Department of Commerce to adopt rules that incorporate by reference only federal efficiency standards for federally covered products as the standards existed on January 3, 2017.

HOUSE COMMITTEE ON TECHNOLOGY & ECONOMIC DEVELOPMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Doglio, Fey, Harmsworth, Hudgins, McDonald, Nealey, Santos, Slatter, Steele and Wylie.

Minority Report: Do not pass. Signed by 1 member: Representative Manweller.

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: Without recommendation. Signed by 1 member: Representative Young.

Staff: Nikkole Hughes (786-7156).

Background:

Appliance Efficiency and Testing Standards.

Federal law generally allows states to establish minimum efficiency and testing standards for products that are not covered by federal appliance efficiency regulations. Once a federal efficiency standard is established for a given appliance, the federal standard will preempt existing state standards unless the state is granted a waiver of federal preemption.

Appliances for which federal efficiency and testing standards have been established include:

- commercial refrigeration and freezing equipment;
- pool heaters; and
- general service fluorescent lamps.

Washington law sets minimum efficiency and testing standards for several categories of appliances sold, offered for sale, or installed in the state, including:

- commercial hot food holding cabinets;
- portable electric spas;
- showerheads; and
- wine chillers.

The Department of Commerce (Department) may recommend updates to the state appliance efficiency and testing standards. The Department may also recommend establishing state standards for additional nonfederally covered appliances. In making its recommendations, the Department must use certain criteria, including that:

- multiple manufacturers produce appliances that meet the proposed standard at the time of recommendation;
- appliances meeting the proposed standard are available at the time of recommendation;
- the appliances are cost-effective to consumers on a life-cycle basis using average Washington resource rates;
- the utility of the recommended appliance meets or exceeds the utility of a comparable appliance available for purchase; and
- the standard exists in at least two other states.

Water Conservation Performance Standards.

The State Building Code Council (SBCC) is required to adopt rules that implement and incorporate water conservation performance standards for certain plumbing fixtures. The state water conservation performance standards supersede all local government codes. After July 1, 1990, cities, towns, and counties may not amend or otherwise adopt water conservation performance standards for certain plumbing fixtures.

Summary of Engrossed Substitute Bill:

Repeal of Federally-Preempted Appliance Efficiency and Testing Standards.

The state appliance efficiency and testing standards for the following products have been preempted by federal standards and are repealed:

- commercial refrigeration and freezing equipment;
- state-regulated incandescent reflector lamps;
- pool heaters; and
- automatic commercial ice cube machines.

Amendments to Existing State Appliance Efficiency and Testing Standards.

Beginning January 1, 2020, portable electric spas must meet the efficiency requirements of, and be tested in accordance with, the American National Standards for Portable Electric Spa Energy Efficiency (ANSI/APSP/ICC-14 2014).

Showerhead tub spout diverter combinations must meet both the state standard for tub spout diverters and the state standard for showerheads.

The idle energy rate of commercial hot food holding cabinets must be determined using the ANSI/ASTM F2140-11 standard test methods for the performance of hot food holding cabinets.

The state standards for hot water dispensers, bottle-type water dispensers, and point-of-use water dispensers expire on January 1, 2020.

New State Appliance Efficiency and Testing Standards.

State appliance efficiency and testing standards are established for the following appliances:

- air purifiers, except industrial air purifiers;
- certain commercial dishwashers;
- certain commercial fryers;
- commercial steam cookers;
- computers and computer monitors;
- air compressors;
- faucets, except for metering faucets, and showerheads;
- high color-rendering index fluorescent lamps;
- portable air conditioners;
- residential ventilating fans;
- signage displays;
- spray sprinkler bodies;
- certain telephones;
- televisions;
- urinals and toilets;
- uninterruptible power supplies;
- certain water coolers;
- certain audio or video products; and
- general service lamps.

These appliances, if manufactured on or after January 1, 2020, may not be sold or offered for sale, lease, or rent in the state unless the efficiency of the new product meets or exceeds the state's efficiency standards.

Any electronic product that may be sold via the Internet is exempt from the state appliance efficiency and testing standards until such time as the state has created a monitoring and enforcement standard that it can implement to prevent sales into the state by out-of-state web-based sales sites.

Department of Commerce.

The Department of Commerce (Department) may adopt rules that incorporate by reference only federal efficiency standards for federally-covered products as the standards existed on January 3, 2017. The Department must regularly submit a report to the Legislature on federal standards that preempt the state appliance efficiency and testing standards. Any report on federal preemption must be transmitted at least 30 days before the start of any regular legislative session.

Repeal of Certain Water Conservation Performance Standards.

The following provisions are repealed:

- certain water conservation performance standards;
- the authority of the State Building Code Council to adopt rules that implement and incorporate the water conservation performance standards; and
- the preemption of local government codes by the state water conservation performance standards.

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) This bill provides significant economic, environmental, and energy benefits for Washington citizens. The bill adopts 19 new or revised efficiency standards for plumbing fixtures, appliances, and electric equipment. It is estimated that these standards will save Washington consumers \$6.50 for every \$1 they spend on the new appliances. The provision allowing the Department of Commerce to adopt existing federal standards by reference will preserve the savings associated with existing federal efficiency standards if the federal government decides to no longer promulgate further standards.

(Opposed) The high color-rendering index fluorescent lamp standards established in the bill are concerning, because the most recently produced lamp in this category simply cannot meet those standards. High color-rendering index fluorescent tubes are used in particular applications, and the bill imposes an effective ban on this product.

(Other) This bill will save consumer's money, electricity and water.

Persons Testifying: (In support) Representative Morris, prime sponsor; Kraig Stevenson, International Code Council; Chuck Murray, Washington Department of Commerce; Amy Wheelless, Northwest Energy Coalition; and Bruce Wishart, Sierra Club.

(Opposed) Charlie Brown, National Electrical and Manufacturer's Association.

(Other) Mark Johnson, Washington Retail Association.

Persons Signed In To Testify But Not Testifying: None.