

HOUSE BILL REPORT

ESHB 2414

As Passed House:
February 17, 2014

Title: An act relating to water conservation appliances.

Brief Description: Concerning water conservation appliances.

Sponsors: House Committee on Environment (originally sponsored by Representatives Fitzgibbon, Farrell, Senn, Ryu and Pollet).

Brief History:

Committee Activity:

Environment: 1/24/14, 2/5/14 [DPS].

Floor Activity:

Passed House: 2/17/14, 57-41.

Brief Summary of Engrossed Substitute Bill

- Directs the State Building Code Council to adopt water conservation performance standards consistent with legislative direction and to adopt rules for implementation of those standards.
- Amends water conservation standards for plumbing fixtures, fittings, and toilets.
- Phases in amended water conservation standards beginning July 1, 2015, and ending July 1, 2019.

HOUSE COMMITTEE ON ENVIRONMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Fitzgibbon, Chair; Senn, Vice Chair; Farrell, Fey, Kagi, Morris, Nealey, Ortiz-Self and Tharinger.

Minority Report: Do not pass. Signed by 4 members: Representatives Short, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Harris and Overstreet.

Staff: Megan Mulvihill (786-7291) and Jacob Lipson (786-7196).

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:

According to the Environmental Protection Agency (EPA), toilets account for 30 percent of an average home's indoor water use. Federal and state law requires all toilets manufactured and sold in the U.S. to use no more than 1.6 gallons per flush (gpf). Most residential units have a toilet that uses a tank to store water for each flush. Commercial, industrial, and institutional units often use flushometer toilets which have a pressurized water supply with a valve to regulate water between each flush. Dual flush toilets have two flushing options which use different levels of water to handle liquid and solid wastes differently.

State Building Code Council.

The State Building Code Council was created to advise the Legislature on developing state building codes for Washington. The State Building Code (SBC) is the minimum construction requirement in the state and it is updated every three years. The SBC is developed and amended by technical experts, council members, and staff during open meetings and public hearings.

Summary of Engrossed Substitute Bill:

The State Building Code Council is directed to adopt rules to implement water conservation performance standards. These water conservation performance standards will become effective July 1, 2016; however, all fixtures, fittings, and tank type toilets offered for sale, sold, or distributed in Washington will have to comply with the new standards by July 1, 2015. Retailers that meet the requirements for leftover stock are allowed to sell these products until July 1, 2016.

The State Building Code Council must allow exemptions for alternate technologies, such as composting and incineration toilets, and to account for any drain line carry deficiency conditions.

Toilets and Urinals Water Conservation Performance Standards.

Effective July 1, 2016, all tank-type toilets, except for those used by children in day care facilities and toilets used in bariatric applications must be high efficiency toilets and use no more than 1.28 gpf. Urinals must use no more than 0.5 gpf.

The second phase occurs July 1, 2019, when all flushometer toilets must be high efficiency and use no more than 1.28 gpf.

Plumbing Fixtures and Fittings Water Conservation Performance Standards.

Effective July 1, 2016, the following maximum water use standards for gallons-per-minute (gpm) apply:

- lavatory faucets - 0.5 gpm;
- kitchen faucets - 2.2 gpm; and
- replacement aerators - 2.2 gpm.

Metered faucets must deliver a maximum of 0.26 gallons-per-cycle.

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) The bill is intended to reflect and acknowledge that technology has improved. Thirty percent of domestic water use is from toilets. It takes a large amount of energy to process water, and although the assumption is that water is very plentiful in Washington, there are some communities that struggle with water supplies. The bill does not ban anyone from using their current toilets; it just requires that going forward all toilets sold will be high efficiency. One of the most effective ways to save water is to switch out old toilets. Today, the best performing toilet models receive the Environmental Protection Agency's WaterSense label for performance and efficiency. WaterSense toilets are offered in all different styles and all price ranges. If every home in Washington installed these toilets, 75 million gallons of water would be saved. Customer surveys show that 75 percent of the customers believe that these new high efficiency toilets work better than their old toilets. Georgia, Texas, and California have already required all toilets to be high efficiency because these toilets save money, water, and cut down on greenhouse gases.

The bill could go further to consider other plumbing products, but it is important to focus on the key benefits of toilet efficiency. Improving water efficiency has important energy benefits because every time water is pumped, moved, and treated it takes energy. Every gallon saved is important. Washington has a standard of adopting policies that drive cutting edge technology development and implementation. Standards for urinals and faucets should be included. The kinks that high energy products have faced in the past have been worked out. A statewide approach is needed since not all people across the state are installing high energy appliances. Commercial and industrial toilets have high energy use, and they should not be excluded from the bill, but it is still a good bill.

(With concerns) The old high efficiency toilets just redesigned the size of the tank. New generation toilets are redesigned by the manufacturer to work with that volume of water. Regulatory harmony and consistency is important, and these requirements should be uniform. Existing statutes for water conservation should be used instead of creating new statutes. A separate section causes confusion and a lot of the breakdown in getting statute into rules happens. The state Building Code Council is the proper forum for looking at this, and they have begun to look at high efficiency standards. There should be a phased in approach to provide predictability to business. Not all toilets need potable water to flush, and there needs to be harmony between the Department of Health, our water quality issues, and gray water use. The models that the council puts out help to achieve flexibility and regulation.

(Opposed) This is an issue to be handled through the code process. There is a market in place that is adapting and producing these toilets. Instead of a statewide mandate, there should be action by local entities and municipalities to encourage the use of high efficiency toilets through public outreach and education. Rebate programs are available for people who purchase high efficiency toilets. Public education and outreach would be a better approach.

Water conservation and efficiency is important, and what the bill is trying to accomplish is very good, but harmonization needs to occur between all of the different types of water use. The bill should direct the State Building Code Council (Council) to look at these issues in their work plan. Let the Council bring everything together for review, and then look at their recommendations before moving forward at the state level. We are not opposed to the policy, but to the process to get to the policy.

Persons Testifying: (In support) Representative Fitzgibbon, prime sponsor; Michael Brent, Cascade Water Alliance; and Nancy Hirsh, Northwest Energy Coalition.

(With concerns) Jeanette McKague, Washington Realtors; and Kraig Stevenson, International Code Council.

(Opposed) Ron Main, Master Builders of King and Snohomish Counties, and the Building Industry Association of Washington.

Persons Signed In To Testify But Not Testifying: None.