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**SUBSTITUTE HOUSE BILL 1017**

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**State of Washington**

**63rd Legislature**

**2013 Regular Session**

**By** House Environment (originally sponsored by Representatives Morris, Fitzgibbon, Fey, Liias, McCoy, Hudgins, Farrell, Morrell, Ormsby, Upthegrove, and Pollet)

READ FIRST TIME 02/04/13.

1           AN ACT Relating to creating new efficiency standards; amending RCW  
2 19.260.030, 19.260.040, 19.260.050, and 19.27.170; reenacting and  
3 amending RCW 19.260.020; and adding a new section to chapter 19.27 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5           **Sec. 1.** RCW 19.260.020 and 2009 c 565 s 18 and 2009 c 501 s 1 are  
6 each reenacted and amended to read as follows:

7           The definitions in this section apply throughout this chapter  
8 unless the context clearly requires otherwise.

9           (1) "Automatic commercial ice cube machine" means a factory-made  
10 assembly, not necessarily shipped in one package, consisting of a  
11 condensing unit and ice-making section operating as an integrated unit  
12 with means for making and harvesting ice cubes. It may also include  
13 integrated components for storing or dispensing ice, or both.

14           (2) "Bottle-type water dispenser" means a water dispenser that uses  
15 a bottle or reservoir as the source of potable water.

16           (3) "Commercial hot food holding cabinet" means a heated, fully  
17 enclosed compartment, with one or more solid or partial glass doors,  
18 that is designed to maintain the temperature of hot food that has been

1 cooked in a separate appliance. "Commercial hot food holding cabinet"  
2 does not include heated glass merchandising cabinets, drawer warmers,  
3 or cook and hold appliances.

4 (4)(a) "Commercial refrigerators and freezers" means refrigerators,  
5 freezers, or refrigerator-freezers designed for use by commercial or  
6 institutional facilities for the purpose of storing or merchandising  
7 food products, beverages, or ice at specified temperatures that: (i)  
8 Incorporate most components involved in the vapor-compression cycle and  
9 the refrigerated compartment in a single cabinet; and (ii) may be  
10 configured with either solid or transparent doors as a reach-in  
11 cabinet, pass-through cabinet, roll-in cabinet, or roll-through  
12 cabinet.

13 (b) "Commercial refrigerators and freezers" does not include: (i)  
14 Products with 85 cubic feet or more of internal volume; (ii) walk-in  
15 refrigerators or freezers; (iii) consumer products that are federally  
16 regulated pursuant to 42 U.S.C. Sec. 6291 et seq.; (iv) products  
17 without doors; or (v) freezers specifically designed for ice cream.

18 (5) "Compensation" means money or any other valuable thing,  
19 regardless of form, received or to be received by a person for services  
20 rendered.

21 (6) "Cook and hold appliance" means a multiple mode appliance  
22 intended for cooking food that may be used to hold the temperature of  
23 the food that has been cooked in the same appliance.

24 (7) "Department" means the department of commerce.

25 (8) "Drawer warmer" means an appliance that consists of one or more  
26 heated drawers and that is designed to hold hot food that has been  
27 cooked in a separate appliance at a specified temperature.

28 (9) "Heated glass merchandising cabinet" means an appliance with a  
29 heated cabinet constructed of glass or clear plastic doors which, with  
30 seventy percent or more clear area, is designed to display and maintain  
31 the temperature of hot food that has been cooked in a separate  
32 appliance.

33 (10) "Hot water dispenser" means a small electric water heater that  
34 has a measured storage volume of no greater than one gallon.

35 (11) "Mini-tank electric water heater" means a small electric water  
36 heater that has a measured storage volume of more than one gallon and  
37 a rated storage volume of less than twenty gallons.

1 (12) "Pass-through cabinet" means a commercial refrigerator or  
2 freezer with hinged or sliding doors on both the front and rear of the  
3 unit.

4 (13) "Point-of-use water dispenser" means a water dispenser that  
5 uses a pressurized water utility connection as the source of potable  
6 water.

7 (14) "Pool heater" means an appliance designed for heating  
8 nonpotable water contained at atmospheric pressure for swimming pools,  
9 spas, hot tubs, and similar applications.

10 (15) "Portable electric spa" means a factory-built electric spa or  
11 hot tub, supplied with equipment for heating and circulating water.

12 (16) "Reach-in cabinet" means a commercial refrigerator or freezer  
13 with hinged or sliding doors or lids, but does not include roll-in or  
14 roll-through cabinets or pass-through cabinets.

15 (17) "Residential pool pump" means a pump used to circulate and  
16 filter pool water in order to maintain clarity and sanitation.

17 (18)(a) "Roll-in cabinet" means a commercial refrigerator or  
18 freezer with hinged or sliding doors that allow wheeled racks of  
19 product to be rolled into the unit.

20 (b) "Roll-through cabinet" means a commercial refrigerator or  
21 freezer with hinged or sliding doors on two sides of the cabinet that  
22 allow wheeled racks of product to be rolled through the unit.

23 (19) "Showerhead" means a device through which water is discharged  
24 for a shower bath.

25 (20) "Showerhead tub spout diverter combination" means a group of  
26 plumbing fittings sold as a matched set and consisting of a control  
27 valve, a tub spout diverter, and a showerhead.

28 (21) "State-regulated incandescent reflector lamp" means a lamp  
29 that is not colored or designed for rough or vibration service  
30 applications, has an inner reflective coating on the outer bulb to  
31 direct the light, an E26 medium screw base, a rated voltage or voltage  
32 range that lies at least partially within 115 to 130 volts, and falls  
33 into one of the following categories:

34 (a) A bulged reflector or elliptical reflector bulb shape and which  
35 has a diameter which equals or exceeds 2.25 inches; or

36 (b) A reflector, parabolic aluminized reflector, or similar bulb  
37 shape and which has a diameter of 2.25 to 2.75 inches.

1 (22) "Tub spout diverter" means a device designed to stop the flow  
2 of water into a bathtub and to divert it so that the water discharges  
3 through a showerhead.

4 (23) "Wine chillers designed and sold for use by an individual"  
5 means refrigerators designed and sold for the cooling and storage of  
6 wine by an individual.

7 (24) "Battery charger systems" means a battery charger coupled with  
8 its batteries or battery chargers coupled with their batteries, which  
9 together are referred to as battery charger systems. This term covers  
10 all rechargeable batteries or devices incorporating a rechargeable  
11 battery and the chargers used with them. The charging circuitry of  
12 battery charger systems may or may not be located within the housing of  
13 the end-use device itself. In many cases, the battery may be charged  
14 with a dedicated external charger and power supply combination that is  
15 separate from the device that runs on power from the battery. Battery  
16 charger systems include, but are not limited to:

17 (a) Electronic devices with a battery that are normally charged  
18 with AC line voltage or DC input voltage through an internal or  
19 external power supply and a dedicated battery charger;

20 (b) The battery and battery charger components of devices that are  
21 designed to run on battery power during part or all of their  
22 operations;

23 (c) Dedicated battery systems primarily designed for electrical or  
24 emergency backup; and

25 (d) Devices whose primary function is to charge batteries, along  
26 with the batteries they are designed to charge. These units include  
27 chargers for power tool batteries and chargers for automotive, AA, AAA,  
28 C, D, or 9 V rechargeable batteries, as well as chargers for batteries  
29 used in larger industrial motive equipment and a la carte chargers.

30 (25) "À la carte charger" means a battery charger that is  
31 individually packaged without batteries. "À la carte charger" includes  
32 those with multivoltage or multiport capabilities.

33 (26) "Battery analyzer" means a device:

34 (a) Used to analyze and report a battery's performance and overall  
35 condition;

36 (b) Capable of being programmed and performing service functions to  
37 restore capability in deficient batteries; and

1 (c) Not intended or marketed to be used on a daily basis for the  
2 purpose of charging batteries.

3 (27) "Illuminated exit sign" means:

4 (a) A sign that is designed to be permanently fixed in place to  
5 identify an exit; and

6 (b) A sign that: (i) Consists of an electrically powered integral  
7 light source that illuminates the legend "EXIT" and any directional  
8 indicators; and (ii) provides contrast between the legend, any  
9 directional indicators, and the background.

10 (28) "Large battery charger system" means a battery charger system,  
11 other than a battery charger system for golf carts, with a rated input  
12 power of more than two kilowatts.

13 (29) "Small battery charger system" means a battery charger system  
14 with a rated input power of two kilowatts or less, and includes golf  
15 cart battery charger systems regardless of the output power.

16 (30) "High light output double-ended quartz halogen lamp" means a  
17 lamp that:

18 (a) Is designed for general outdoor lighting purposes;

19 (b) Contains a tungsten filament;

20 (c) Has a rated initial lumen value of greater than 6,000 and less  
21 than 40,000 lumens;

22 (d) Has at each end a recessed single contact, R7s base;

23 (e) Has a maximum overall length between four and eleven inches;

24 (f) Has a nominal diameter less than 3/4 inch;

25 (g) Is designed to be operated at a voltage not less than 110 volts  
26 and not greater than 200 volts or is designed to be operated at a  
27 voltage between 235 volts and 300 volts;

28 (h) Is not a tubular quartz infrared heat lamp; and

29 (i) Is not a lamp marked and marketed as a stage and studio lamp  
30 with a rated life of 500 hours or less.

31 (31) "Consumer product" means any article, other than an  
32 automobile, as defined in 49 U.S.C. Sec. 32901(a)(3):

33 (a) Of a type which in operation consumes, or is designed to  
34 consume, energy or, with respect to showerheads, faucets, water  
35 closets, and urinals, water; and which, to any significant extent, is  
36 distributed in commerce for personal use or consumption by individuals;

37 (b) Without regard to whether such an article of such type is in  
38 fact distributed in commerce for personal use or consumption by an

1 individual, except that the term includes fluorescent lamp ballasts,  
2 general service fluorescent lamps, incandescent reflector lamps,  
3 showerheads, faucets, water closets, and urinals distributed in  
4 commerce for personal or commercial use or consumption.

5 **Sec. 2.** RCW 19.260.030 and 2009 c 501 s 2 are each amended to read  
6 as follows:

7 (1) This chapter applies to the following types of new products  
8 sold, offered for sale, or installed in the state:

9 (a) Automatic commercial ice cube machines;

10 (b) Commercial refrigerators and freezers;

11 (c) State-regulated incandescent reflector lamps;

12 (d) Wine chillers designed and sold for use by an individual;

13 (e) Hot water dispensers and mini-tank electric water heaters;

14 (f) Bottle-type water dispensers and point-of-use water dispensers;

15 (g) Pool heaters, residential pool pumps, and portable electric  
16 spas;

17 (h) Tub spout diverters; (~~and~~)

18 (i) Commercial hot food holding cabinets;

19 (j) High light output double-ended quartz halogen lamps; and

20 (k) Battery charger systems, except those:

21 (i) Used to charge a motor vehicle that is powered by an electric  
22 motor drawing current from rechargeable storage batteries, fuel cells,  
23 or other portable sources of electrical current, and which may include  
24 a nonelectrical source of power designed to charge batteries and  
25 components thereof. This exception does not apply to forklifts or  
26 autoettes, electric personal assistive mobility devices, golf carts,  
27 and low-speed vehicles, as those vehicles are defined in division 1 of  
28 the California vehicle code in effect as of the effective date of this  
29 section;

30 (ii) That are classified as class II or class III devices for human  
31 use under the federal food, drug, and cosmetic act as of the effective  
32 date of this section and require United States food and drug  
33 administration listing and approval as a medical device;

34 (iii) Used to charge a battery or batteries in an illuminated exit  
35 sign;

36 (iv) With input that is three phase of line-to-line three hundred

1 volts root mean square or more and is designed for a stationary power  
2 application;

3 (v) That are battery analyzers; or

4 (vi) That are voltage independent or voltage and frequency  
5 independent uninterruptible power supplies as defined by the  
6 international electrotechnical commission 62040-3 ed.2.0 as of the  
7 effective date of this section.

8 (2) This chapter applies equally to products whether they are sold,  
9 offered for sale, or installed as stand-alone products or as components  
10 of other products.

11 (3) This chapter does not apply to:

12 (a) New products manufactured in the state and sold outside the  
13 state;

14 (b) New products manufactured outside the state and sold at  
15 wholesale inside the state for final retail sale and installation  
16 outside the state;

17 (c) Products installed in mobile manufactured homes at the time of  
18 construction; or

19 (d) Products designed expressly for installation and use in  
20 recreational vehicles.

21 **Sec. 3.** RCW 19.260.040 and 2009 c 501 s 3 are each amended to read  
22 as follows:

23 The minimum efficiency standards specified in this section apply to  
24 the types of new products set forth in RCW 19.260.030.

25 (1)(a) Automatic commercial ice cube machines must have daily  
26 energy use and daily water use no greater than the applicable values in  
27 the following table:

Equipment type	Type of cooling	Harvest rate (lbs. ice/24 hrs.)	Maximum energy use (kWh/100 lbs.)	Maximum condenser water use (gallons/100 lbs. ice)
Ice-making head	water	<500	7.80 - .0055H	200 - .022H
		>=500<1436	5.58 - .0011H	200 - .022H
		>=1436	4.0	200 - .022H
Ice-making head	air	450	10.26 - .0086H	Not applicable
		>=450	6.89 - .0011H	Not applicable

1	Remote condensing but not remote compressor	air	<1000	8.85 - .0038	Not applicable
2			>=1000	5.10	Not applicable
3	Remote condensing and remote compressor	air	<934	8.85 - .0038H	Not applicable
4			>=934	5.3	Not applicable
5	Self-contained models	water	<200	11.40 - .0190H	191 - .0315H
6			>=200	7.60	191 - .0315H
7	Self-contained models	air	<175	18.0 - .0469H	Not applicable
8			>=175	9.80	Not applicable

9 Where H= harvest rate in pounds per twenty-four hours which must be reported within 5% of the tested value.

10 "Maximum water use" applies only to water used for the condenser.

11 (b) For purposes of this section, automatic commercial ice cube  
12 machines shall be tested in accordance with the ARI 810-2003 test  
13 method as published by the air-conditioning and refrigeration  
14 institute. Ice- making heads include all automatic commercial ice cube  
15 machines that are not split system ice makers or self-contained models  
16 as defined in ARI 810-2003.

17 (2)(a) Commercial refrigerators and freezers must meet the  
18 applicable requirements listed in the following table:

19	Equipment Type	Doors	Maximum Daily Energy Consumption (kWh)
20	Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are refrigerators	Solid	$0.10V + 2.04$
21		Transparent	$0.12V + 3.34$
22	Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are "pulldown" refrigerators	Transparent	$.126V + 3.51$
25	Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are freezers	Solid	$0.40V + 1.38$
26		Transparent	$0.75V + 4.10$
27	Reach-in cabinets that are refrigerator- freezers with an AV of 5.19 or higher	Solid	$0.27AV - 0.71$

30 kWh= kilowatt-hours

31 V= total volume (ft<sup>3</sup>)

32 AV= adjusted volume= [1.63 x freezer volume (ft<sup>3</sup>)]+ refrigerator volume (ft<sup>3</sup>)



1 (b) For purposes of this section, "pulldown" designates products  
 2 designed to take a fully stocked refrigerator with beverages at 90  
 3 degrees Fahrenheit and cool those beverages to a stable temperature of  
 4 38 degrees Fahrenheit within 12 hours or less. Daily energy  
 5 consumption shall be measured in accordance with the American national  
 6 standards institute/American society of heating, refrigerating and air-  
 7 conditioning engineers test method 117-2002, except that the back-  
 8 loading doors of pass-through and roll-through refrigerators and  
 9 freezers must remain closed throughout the test, and except that the  
 10 controls of all appliances must be adjusted to obtain the following  
 11 product temperatures.

Product or compartment type	Integrated average product temperature in degrees Fahrenheit
Refrigerator	38±2
Freezer	0±2

15 (3)(a) The lamp electrical power input of state-regulated  
 16 incandescent reflector lamps shall meet the minimum average lamp  
 17 efficacy requirements for federally regulated incandescent reflector  
 18 lamps specified in 42 U.S.C. Sec. 6295(i)(1)(A)-(B).

19 (b) The following types of incandescent lamps are exempt from these  
 20 requirements:

21 (i) Lamps rated at fifty watts or less of the following types: BR  
 22 30, ER 30, BR 40, and ER 40;

23 (ii) Lamps rated at sixty-five watts of the following types: BR  
 24 30, BR 40, and ER 40; and

25 (iii) R 20 lamps of forty-five watts or less.

26 (4)(a) Wine chillers designed and sold for use by an individual  
 27 must meet requirements specified in the California Code of Regulations,  
 28 Title 20, section 1605.3 in effect as of July 26, 2009.

29 (b) Wine chillers designed and sold for use by an individual shall  
 30 be tested in accordance with the method specified in the California  
 31 Code of Regulations, Title 20, section 1604 in effect as of July 26,  
 32 2009.

33 (5)(a) The standby energy consumption of bottle-type water  
 34 dispensers, and point-of-use water dispensers, dispensing both hot and

1 cold water, manufactured on or after January 1, 2010, shall not exceed  
2 1.2 kWh/day.

3 (b) The test method for water dispensers shall be the environmental  
4 protection agency energy star program requirements for bottled water  
5 coolers version 1.1.

6 (6)(a) The standby energy consumption of hot water dispensers and  
7 mini-tank electric water heaters manufactured on or after January 1,  
8 2010, shall be not greater than 35 watts.

9 (b) This subsection does not apply to any water heater:

10 (i) That is within the scope of 42 U.S.C. Sec. 6292(a)(4) or  
11 6311(1);

12 (ii) That has a rated storage volume of less than 20 gallons; and

13 (iii) For which there is no federal test method applicable to that  
14 type of water heater.

15 (c) Hot water dispensers shall be tested in accordance with the  
16 method specified in the California Code of Regulations, Title 20,  
17 section 1604 in effect as of July 26, 2009.

18 (d) Mini-tank electric water heaters shall be tested in accordance  
19 with the method specified in the California Code of Regulations, Title  
20 20, section 1604 in effect as of July 26, 2009.

21 (7) The following standards are established for pool heaters,  
22 residential pool pumps, and portable electric spas:

23 (a) Natural gas pool heaters shall not be equipped with constant  
24 burning pilots.

25 (b) Residential pool pump motors manufactured on or after January  
26 1, 2010, must meet requirements specified in the California Code of  
27 Regulations, Title 20, section 1605.3 in effect as of July 26, 2009.

28 (c) Portable electric spas manufactured on or after January 1,  
29 2010, must meet requirements specified in the California Code of  
30 Regulations, Title 20, section 1605.3 in effect as of July 26, 2009.

31 (d) Portable electric spas must be tested in accordance with the  
32 method specified in the California Code of Regulations, Title 20,  
33 section 1604 in effect as of July 26, 2009.

34 (8)(a) The leakage rate of tub spout diverters shall be no greater  
35 than the applicable requirements shown in the following table:

1			Maximum Leakage Rate
2	Appliance	Testing Conditions	Effective January 1, 2009
3		When new	0.01 gpm
4	Tub spout diverters	After 15,000 cycles of diverting	0.05 gpm

5 (b) Showerhead tub spout diverter combinations shall meet both the  
6 federal standard for showerheads established pursuant to 42 U.S.C. Sec.  
7 6291 et seq. and the standard for tub spout diverters specified in this  
8 section.

9 (9)(a) The idle energy rate of commercial hot food holding cabinets  
10 manufactured on or after January 1, 2010, shall be no greater than 40  
11 watts per cubic foot of measured interior volume.

12 (b) The idle energy rate of commercial hot food holding cabinets  
13 shall be determined using ANSI/ASTM F2140-01 standard test method for  
14 the performance of hot food holding cabinets (test for idle energy rate  
15 dry test). Commercial hot food holding cabinet interior volume shall  
16 be calculated using straight line segments following the gross interior  
17 dimensions of the appliance and using the following equation: Interior  
18 height x interior width x interior depth. Interior volume shall not  
19 account for racks, air plenums, or other interior parts.

20 (10) The following standards are established for battery charger  
21 systems:

22 (a) Except as provided in (b) and (c) of this subsection, large  
23 battery charger systems and small battery charger systems manufactured  
24 on or after January 1, 2014, must meet requirements specified in the  
25 California Code of Regulations, Title 20, section 1605 in effect as of  
26 the effective date of this section.

27 (b) Small battery charger systems that are not consumer products  
28 manufactured on or after January 1, 2017, must meet requirements  
29 specified in the California Code of Regulations, Title 20, section 1605  
30 in effect as of the effective date of this section.

31 (c) Battery backup and uninterruptible power supplies that are not  
32 consumer products manufactured on or after January 1, 2017, must meet  
33 requirements specified in the California Code of Regulations, Title 20,  
34 section 1605 in effect as of the effective date of this section.

1 (d) Large battery charger systems and small battery charger systems  
2 must be tested in accordance with the method specified in the  
3 California Code of Regulations, Title 20, section 1604 in effect as of  
4 the effective date of this section.

5 (11) A high light output double-ended quartz halogen lamp must meet  
6 minimum efficiency standards of:

7 (a) 27 lumens per watt for lamps with a minimum rated initial lumen  
8 value greater than 6,000 and a maximum initial lumen value of 15,000;  
9 and

10 (b) 34 lumens per watt for lamps with a rated initial lumen value  
11 greater than 15,000 and less than 40,000.

12 **Sec. 4.** RCW 19.260.050 and 2009 c 501 s 4 are each amended to read  
13 as follows:

14 (1) No new commercial refrigerator or freezer or state-regulated  
15 incandescent reflector lamp manufactured on or after January 1, 2007,  
16 may be sold or offered for sale in the state unless the efficiency of  
17 the new product meets or exceeds the efficiency standards set forth in  
18 RCW 19.260.040. No new automatic commercial ice cube machine  
19 manufactured on or after January 1, 2008, may be sold or offered for  
20 sale in the state unless the efficiency of the new product meets or  
21 exceeds the efficiency standards set forth in RCW 19.260.040.

22 (2) On or after January 1, 2008, no new commercial refrigerator or  
23 freezer or state-regulated incandescent reflector lamp manufactured on  
24 or after January 1, 2007, may be installed for compensation in the  
25 state unless the efficiency of the new product meets or exceeds the  
26 efficiency standards set forth in RCW 19.260.040. On or after January  
27 1, 2009, no new automatic commercial ice cube machine manufactured on  
28 or after January 1, 2008, may be installed for compensation in the  
29 state unless the efficiency of the new product meets or exceeds the  
30 efficiency standards set forth in RCW 19.260.040.

31 (3) Standards for state-regulated incandescent reflector lamps are  
32 effective on the dates specified in subsections (1) and (2) of this  
33 section.

34 (4) The following products, if manufactured on or after January 1,  
35 2010, may not be sold or offered in the state unless the efficiency of  
36 the new product meets or exceeds the efficiency standards set forth in  
37 RCW 19.260.040:

- 1 (a) Wine chillers designed and sold for use by an individual;  
2 (b) Hot water dispensers and mini-tank electric water heaters;  
3 (c) Bottle-type water dispensers and point-of-use water dispensers;  
4 (d) Pool heaters, residential pool pumps, and portable electric  
5 spas;  
6 (e) Tub spout diverters; and  
7 (f) Commercial hot food holding cabinets.

8 (5) The following products, if manufactured on or after January 1,  
9 2010, may not be installed for compensation in the state on or after  
10 January 1, 2011, unless the efficiency of the new product meets or  
11 exceeds the efficiency standards set forth in RCW 19.260.040:

- 12 (a) Wine chillers designed and sold for use by an individual;  
13 (b) Hot water dispensers and mini-tank electric water heaters;  
14 (c) Bottle-type water dispensers and point-of-use water dispensers;  
15 (d) Pool heaters, residential pool pumps, and portable electric  
16 spas;  
17 (e) Tub spout diverters; and  
18 (f) Commercial hot food holding cabinets.

19 (6)(a) Except as provided in (b) and (c) of this subsection, large  
20 and small battery charger systems, if manufactured on or after January  
21 1, 2014, may not be sold or offered for sale in the state unless the  
22 efficiency of the new product meets or exceeds the efficiency standards  
23 set forth in RCW 19.260.040.

24 (b) Small battery charger systems that are not consumer products,  
25 if manufactured on or after January 1, 2017, may not be sold or offered  
26 for sale in the state unless the efficiency of the new product meets or  
27 exceeds the efficiency standards set forth in RCW 19.260.040.

28 (c) Battery backup and uninterruptible power supplies that are not  
29 consumer products, if manufactured on or after January 1, 2017, may not  
30 be sold or offered for sale in the state unless the efficiency of the  
31 new product meets or exceeds the efficiency standards set forth in RCW  
32 19.260.040.

33 (7) Large and small battery charger systems, if manufactured on or  
34 after January 1, 2014, may not be installed for compensation in the  
35 state on or after January 1, 2015, unless the efficiency of the new  
36 product meets or exceeds the efficiency standards set forth in RCW  
37 19.260.040.

1       (8) A high light output double-ended quartz halogen lamp, if  
2 manufactured on or after January 1, 2014, may not be sold or offered  
3 for sale in the state unless the efficiency of the new product meets or  
4 exceeds the efficiency standards set forth in RCW 19.260.040.

5       (9) A high light output double-ended quartz halogen lamp, if  
6 manufactured on or after January 1, 2014, may not be installed for  
7 compensation in the state on or after January 1, 2015, unless the  
8 efficiency of the new product meets or exceeds the efficiency standards  
9 set forth in RCW 19.260.040.

10       **Sec. 5.** RCW 19.27.170 and 1991 c 347 s 16 are each amended to read  
11 as follows:

12       (1) The state building code council shall adopt rules under chapter  
13 34.05 RCW that implement and incorporate the water conservation  
14 performance standards in (~~subsections (4) and (5)~~) subsection (3) of  
15 this section. These standards shall apply to all new construction and  
16 all remodeling involving replacement of plumbing fixtures in all  
17 residential, hotel, motel, school, industrial, commercial use, or other  
18 occupancies determined by the council to use significant quantities of  
19 water.

20       ~~(2) ((The legislature recognizes that a phasing-in approach to~~  
21 ~~these new standards is appropriate. Therefore, standards in subsection~~  
22 ~~(4) of this section shall take effect on July 1, 1990. The standards~~  
23 ~~in subsection (5) of this section shall take effect July 1, 1993.~~

24       ~~(3))~~ No individual, public or private corporation, firm, political  
25 subdivision, government agency, or other legal entity may, for purposes  
26 of use in this state, distribute, sell, offer for sale, import,  
27 install, or approve for installation any plumbing fixtures unless the  
28 fixtures meet the standards as provided for in this section.

29       ~~((4) Standards for water use efficiency effective July 1, 1990.))~~  
30       (3)(a) Standards for waterclosets. The guideline for maximum water  
31 use allowed in gallons per flush (gpf) for any of the following  
32 waterclosets is the following:

Tank-type toilets .....	3.5 gpf.
Flushometer-valve toilets .....	3.5 gpf.
Flushometer-tank toilets .....	3.5 gpf.

1 Electromechanical hydraulic toilets ..... 3.5 gpf.

2 (b) ~~((Standard for urinals. The guideline for maximum water use~~  
3 ~~allowed for any urinal is 3.0 gallons per flush.~~

4 ~~(c) Standard for showerheads. The guideline for maximum water use~~  
5 ~~allowed for any showerhead is 3.0 gallons per minute.~~

6 ~~(d) Standard for faucets. The guideline for maximum water use~~  
7 ~~allowed in gallons per minute (gpm) for any of the following faucets~~  
8 ~~and replacement aerators is the following:~~

9	Bathroom faucets .....	3.0 gpm.
10	Lavatory faucets .....	3.0 gpm.
11	Kitchen faucets .....	3.0 gpm.
12	Replacement aerators .....	3.0 gpm.

13 ~~(e) Except where designed and installed for use by the physically~~  
14 ~~handicapped, lavatory faucets located in restrooms intended for use by~~  
15 ~~the general public must be equipped with a metering valve designed to~~  
16 ~~close by spring or water pressure when left unattended (self closing).~~

17 ~~(f) No urinal or watercloset that operates on a continuous flow or~~  
18 ~~continuous flush basis shall be permitted.~~

19 ~~(5) Standards for water use efficiency effective July 1, 1993.~~

20 ~~(a) Standards for waterclosets. The guideline for maximum water~~  
21 ~~use allowed in gallons per flush (gpf) for any of the following~~  
22 ~~waterclosets is the following:~~

23	Tank-type toilets .....	1.6 gpf.
24	Flushometer-tank toilets .....	1.6 gpf.
25	Electromechanical hydraulic toilets .....	1.6 gpf.

26 ~~(b)) Standards for urinals. The guideline for maximum water use~~  
27 ~~allowed for any urinal is ((1.0)) 0.5 gallons per flush.~~

28 ~~(c) Standards for showerheads. The guideline for maximum water use~~  
29 ~~allowed for any showerhead is ((2.5)) 2.0 gallons per minute.~~

30 ~~(d) Standards for faucets. The guideline for maximum water use~~

1 allowed in gallons per minute for any of the following faucets and  
2 replacement aerators is the following:

3	<del>((Bathroom faucets .....</del>	<del>2.5 gpm.))</del>
4	Lavatory faucets .....	<del>((2.5))</del>
5		<u>1.5 gpm.</u>
6	Kitchen faucets .....	<del>((2.5))</del>
7		<u>2.2 gpm.</u>
8	Replacement aerators .....	<del>((2.5))</del>
9		<u>2.2 gpm.</u>
10	<u>Public lavatory faucets other than metering.</u>	<u>0.5 gpm.</u>

12 (e) Standard for metered faucets. Self-closing or self-closing  
13 metering faucets must be installed on lavatories intended to serve the  
14 transient public, such as those in, but not limited to, service  
15 stations, train stations, airports, restaurants, and convention halls.  
16 Metered faucets must deliver a maximum of 0.26 gallons per cycle.

17 (f) Except where designed and installed for use by ~~((the physically~~  
18 ~~handicapped))~~ individuals with disabilities, lavatory faucets located  
19 in restrooms intended for use by the general public must be equipped  
20 with a metering valve designed to close by water pressure when  
21 unattended (self-closing).

22 ~~((+f))~~ (g) No urinal or watercloset that operates on a continuous  
23 flow or continuous basis shall be permitted.

24 ~~((+6))~~ (4)(a) Water closets, showerheads, faucets, metered  
25 faucets, and urinals, if manufactured on or after January 1, 2014, may  
26 not be sold or offered for sale in the state unless the efficiency of  
27 the new product meets or exceeds the efficiency standards set forth in  
28 subsection (3) of this section.

29 (b) Water closets, showerheads, faucets, metered faucets, and  
30 urinals, if manufactured on or after January 1, 2014, may not be  
31 installed for compensation in the state on or after January 1, 2015,  
32 unless the efficiency of the new product meets or exceeds the  
33 efficiency standards set forth in subsection (3) of this section.

34 (5) The building code council shall establish methods and  
35 procedures for testing and identifying fixtures that meet the standards



1 established in subsection ~~((+5+))~~ (3) of this section. The council  
2 shall use the testing standards designated as American national  
3 standards, written under American national standards institute  
4 procedures or other widely recognized national testing standards. The  
5 council shall either review test results from independent testing  
6 laboratories that are submitted by manufacturers of plumbing fixtures  
7 or accept data submitted to and evaluated by the international  
8 association of plumbing and mechanical officials. The council shall  
9 publish and widely distribute a current list of fixtures that meet the  
10 standards established in subsection ~~((+5+))~~ (3) of this section.

11 ~~((+7+))~~ (6) The building code council shall adopt rules for marking  
12 and labeling fixtures meeting the standards established in subsection  
13 ~~((+5+))~~ (3) of this section.

14 ~~((+8+))~~ (7) This section shall not apply to fixtures ~~((installed  
15 before July 28, 1991, that are removed and relocated to another room or  
16 area of the same building after July 28, 1991, nor shall it apply to  
17 fixtures, as determined by the council,))~~ that, in order to perform a  
18 specialized function, cannot meet the standards specified in this  
19 section.

20 ~~((+9+))~~ (8) Except as specified in section 6 of this act, the water  
21 conservation performance standards shall supersede all local government  
22 codes. After July 1, 1990, cities, towns, and counties shall not amend  
23 the code revisions and standards established under subsection ~~((+4+ or~~  
24 ~~+5+))~~ (3) of this section.

25 NEW SECTION. Sec. 6. A new section is added to chapter 19.27 RCW  
26 to read as follows:

27 (1) Any city or county may enact an ordinance authorizing the sale  
28 and installation of plumbing fixtures that do not comply with RCW  
29 19.260.040 upon its determination that either the unique configuration  
30 of building drainage systems or portions of a public sewer system  
31 within the jurisdiction, or both, require a greater quantity of water  
32 to flush the system in a manner consistent with public health. At the  
33 request of a public agency providing sewer services within the  
34 jurisdiction, the city or county shall hold a public hearing on the  
35 need for an ordinance as provided in this subsection. Prior to the  
36 hearing or the enactment of the ordinance, those agencies responsible  
37 for the provision of water and sewer services within the jurisdiction,

1 if different than the agency considering adoption of the ordinance,  
2 must be given at least thirty days' notice of the meeting at which the  
3 ordinance may be considered or adopted.

4 (2) Notwithstanding RCW 19.27.170, water closets and urinals that  
5 do not meet the efficiency standards referenced in RCW 19.27.170 may be  
6 sold or installed for compensation in the state if one of the following  
7 circumstances is met:

8 (a) Installation of the water closet or urinal in compliance with  
9 the efficiency standards outlined in RCW 19.27.170 would require  
10 modifications to plumbing system components located beneath a finished  
11 wall or surface; or

12 (b) The nonlow consumption water closets, urinals, and flushometer  
13 valves, if any, would be installed in a home or building that has been  
14 identified by a local, state, or federal governmental entity as a  
15 historical site and historically accurate water closets and urinals  
16 that comply with the flush volumes specified in RCW 19.27.170 are not  
17 available.

18 (3) This section does not preempt any actions taken by cities,  
19 counties, or water or sewer districts that prescribe more restrictive  
20 conservation requirements affecting either:

21 (a) The sale, installation, or use of low consumption water  
22 closets, urinals, showerheads, faucets, metered faucets, and  
23 flushometer valves; or

24 (b) The continued use of nonlow consumption water closets, urinals,  
25 showerheads, faucets, metered faucets, or flushometer valves.

26 (4) This section does not grant any new or additional powers to  
27 cities, counties, or water or sewer districts to promulgate or  
28 establish laws, ordinances, regulations, or rules governing the sale,  
29 installation, or use of low consumption water closets, urinals,  
30 showerheads, faucets, metered faucets, or flushometer valves.

31 (5) Nothing in this section restricts the authority of the state  
32 building code council to require any additional conditions on the  
33 installation and use of nonwater-supplied urinals.

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