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HOUSE BILL 1017

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By Representatives Morris, Fitzgibbon, Fey, Llias, McCoy, Hudgins, Farrell, Morrell, Ormsby, Upthegrove, and Pollet

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1 AN ACT Relating to creating new efficiency standards; amending RCW  
2 19.260.030, 19.260.040, 19.260.050, 19.27.170, and 19.27.015;  
3 reenacting and amending RCW 19.260.020; and adding a new section to  
4 chapter 19.27 RCW.

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

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

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

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

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

17 (3) "Commercial hot food holding cabinet" means a heated, fully  
18 enclosed compartment, with one or more solid or partial glass doors,  
19 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 **Sec. 2.** RCW 19.260.030 and 2009 c 501 s 2 are each amended to read  
31 as follows:

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

34 (a) Automatic commercial ice cube machines;

35 (b) Commercial refrigerators and freezers;

36 (c) State-regulated incandescent reflector lamps;

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

- 1 (e) Hot water dispensers and mini-tank electric water heaters;
- 2 (f) Bottle-type water dispensers and point-of-use water dispensers;
- 3 (g) Pool heaters, residential pool pumps, and portable electric
- 4 spas;
- 5 (h) Tub spout diverters; (~~and~~)
- 6 (i) Commercial hot food holding cabinets; and
- 7 (j) Battery charger systems.

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) Large battery charger systems and small battery charger systems  
23 manufactured on or after January 1, 2014, must meet requirements  
24 specified in the California Code of Regulations, Title 20, section 1605  
25 in effect as of the effective date of this section.

26 (b) Large battery charger systems and small battery charger systems  
27 must be tested in accordance with the method specified in the  
28 California Code of Regulations, Title 20, section 1604 in effect as of  
29 the effective date of this section.

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

32 (1) No new commercial refrigerator or freezer or state-regulated  
33 incandescent reflector lamp manufactured on or after January 1, 2007,  
34 may be sold or offered for sale in the state unless the efficiency of

1 the new product meets or exceeds the efficiency standards set forth in  
2 RCW 19.260.040. No new automatic commercial ice cube machine  
3 manufactured on or after January 1, 2008, may be sold or offered for  
4 sale in the state unless the efficiency of the new product meets or  
5 exceeds the efficiency standards set forth in RCW 19.260.040.

6 (2) On or after January 1, 2008, no new commercial refrigerator or  
7 freezer or state-regulated incandescent reflector lamp manufactured on  
8 or after January 1, 2007, may be installed for compensation in the  
9 state unless the efficiency of the new product meets or exceeds the  
10 efficiency standards set forth in RCW 19.260.040. On or after January  
11 1, 2009, no new automatic commercial ice cube machine manufactured on  
12 or after January 1, 2008, may be installed for compensation in the  
13 state unless the efficiency of the new product meets or exceeds the  
14 efficiency standards set forth in RCW 19.260.040.

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

18 (4) The following products, if manufactured on or after January 1,  
19 2010, may not be sold or offered in the state unless the efficiency of  
20 the new product meets or exceeds the efficiency standards set forth in  
21 RCW 19.260.040:

- 22 (a) Wine chillers designed and sold for use by an individual;
- 23 (b) Hot water dispensers and mini-tank electric water heaters;
- 24 (c) Bottle-type water dispensers and point-of-use water dispensers;
- 25 (d) Pool heaters, residential pool pumps, and portable electric  
26 spas;
- 27 (e) Tub spout diverters; and
- 28 (f) Commercial hot food holding cabinets.

29 (5) The following products, if manufactured on or after January 1,  
30 2010, may not be installed for compensation in the state on or after  
31 January 1, 2011, unless the efficiency of the new product meets or  
32 exceeds the efficiency standards set forth in RCW 19.260.040:

- 33 (a) Wine chillers designed and sold for use by an individual;
- 34 (b) Hot water dispensers and mini-tank electric water heaters;
- 35 (c) Bottle-type water dispensers and point-of-use water dispensers;
- 36 (d) Pool heaters, residential pool pumps, and portable electric  
37 spas;
- 38 (e) Tub spout diverters; and

1 (f) Commercial hot food holding cabinets.

2 (6) Large and small battery charger systems, if manufactured on or  
3 after January 1, 2014, may not be sold or offered for sale in the state  
4 unless the efficiency of the new product meets or exceeds the  
5 efficiency standards set forth in RCW 19.260.040.

6 (7) Large and small battery charger systems, if manufactured on or  
7 after January 1, 2014, may not be installed for compensation in the  
8 state on or after January 1, 2015, unless the efficiency of the new  
9 product meets or exceeds the efficiency standards set forth in RCW  
10 19.260.040.

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

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

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

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

30 (~~(4) Standards for water use efficiency effective July 1, 1990.~~)

31 (3)(a) Standards for waterclosets. ((The guideline for maximum  
32 water use allowed in gallons per flush (gpf) for any of the following  
33 waterclosets is the following:

34 Tank-type toilets ..... 3.5 gpf.

35 Flushometer-valve toilets ..... 3.5 gpf.

1 Flushometer-tank toilets ..... 3.5 gpf.

2 Electromechanical hydraulic toilets ..... 3.5 gpf.

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

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

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

10 Bathroom faucets ..... 3.0 gpm.

11 Lavatory faucets ..... 3.0 gpm.

12 Kitchen faucets ..... 3.0 gpm.

13 Replacement aerators ..... 3.0 gpm.

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

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

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

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

24 Tank-type toilets ..... 1.6 gpf.

25 Flushometer-tank toilets ..... 1.6 gpf.

26 Electromechanical hydraulic toilets ..... 1.6 gpf.))

27 Except as provided in section 6 of this act, by July 1, 2014, all water  
28 closets must be high efficiency water closets.

29 (b) Standards for urinals. ((~~The guideline for maximum water use~~  
30 ~~allowed for any urinal is 1.0 gallons per flush.~~)) Except as provided

1 in section 6 of this act, by July 1, 2014, all urinals must be high  
2 efficiency urinals.

3 (c) Standards for showerheads. The guideline for maximum water use  
4 allowed for any showerhead is 2.5 gallons per minute.

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

8	Bathroom faucets .....	2.5 gpm.
9	Lavatory faucets .....	2.5 gpm.
10	Kitchen faucets .....	2.5 gpm.
11	Replacement aerators .....	2.5 gpm.

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

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

19 (4)(a) Water closets and urinals, if manufactured on or after  
20 January 1, 2014, may not be sold or offered for sale in the state  
21 unless the efficiency of the new product meets or exceeds the  
22 efficiency standards set forth in subsection (3) of this section.

23 (b) Water closets and urinals, if manufactured on or after January  
24 1, 2014, may not be installed for compensation in the state on or after  
25 January 1, 2015, unless the efficiency of the new product meets or  
26 exceeds the efficiency standards set forth in subsection (3) of this  
27 section.

28 (5) All water closets and urinals must meet performance, testing,  
29 and labeling requirements established by ASME A112.19.2-2003, or  
30 A112.19.14-2001, as applicable. All consumption values must be  
31 determined by the test procedures contained in ASME A112.19.2-2003 or  
32 A112.19.14-2001. The state may not require any other marking and  
33 labeling requirements. All water closets and urinals sold or installed  
34 for compensation in the state must be listed by an American national

1 standards institute accredited third-party certification agency to the  
2 appropriate ASME standards as set forth in this section. The state may  
3 not require any other listing or certification requirements.

4 (6) The building code council shall establish methods and  
5 procedures for testing and identifying fixtures, other than water  
6 closets and urinals, that meet the standards established in subsection  
7 ~~((5))~~ (3) of this section. The council shall use the testing  
8 standards designated as American national standards, written under  
9 American national standards institute procedures or other widely  
10 recognized national testing standards. The council shall either review  
11 test results from independent testing laboratories that are submitted  
12 by manufacturers of plumbing fixtures or accept data submitted to and  
13 evaluated by the international association of plumbing and mechanical  
14 officials. The council shall publish and widely distribute a current  
15 list of fixtures that meet the standards established in subsection  
16 ~~((5))~~ (3) of this section.

17 (7) The building code council shall adopt rules for marking and  
18 labeling fixtures meeting the standards established in subsection  
19 ~~((5))~~ (3) of this section.

20 (8) This section shall not apply to fixtures installed before July  
21 28, 1991, that are removed and relocated to another room or area of the  
22 same building after July 28, 1991, nor shall it apply to fixtures, as  
23 determined by the council, that in order to perform a specialized  
24 function, cannot meet the standards specified in this section.

25 (9) The water conservation performance standards shall supersede  
26 all local government codes. After July 1, 1990, cities, towns, and  
27 counties shall not amend the code revisions and standards established  
28 under subsection ~~((4) or (5))~~ (3) of this section.

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

31 (1) Any city or county may enact an ordinance authorizing the sale  
32 and installation of nonlow consumption water closets or urinals upon  
33 its determination that either the unique configuration of building  
34 drainage systems or portions of a public sewer system within the  
35 jurisdiction, or both, require a greater quantity of water to flush the  
36 system in a manner consistent with public health. At the request of a  
37 public agency providing sewer services within the jurisdiction, the

1 city or county shall hold a public hearing on the need for an ordinance  
2 as provided in this subsection. Prior to the hearing or the enactment  
3 of the ordinance, those agencies responsible for the provision of water  
4 and sewer services within the jurisdiction, if different than the  
5 agency considering adoption of the ordinance, must be given at least  
6 thirty days' notice of the meeting at which the ordinance may be  
7 considered or adopted.

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

12 (a) Installation of the water closet or urinal in compliance with  
13 the efficiency standards outlined in RCW 19.27.170 would require  
14 modifications to plumbing system components located beneath a finished  
15 wall or surface; or

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

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

25 (a) The sale, installation, or use of low consumption water  
26 closets, urinals, and flushometer valves; or

27 (b) The continued use of nonlow consumption water closets, urinals,  
28 or flushometer valves.

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

34 (5) A nonwater-supplied urinal approved for installation or sold in  
35 this state must satisfy all of the following requirements:

36 (a) Meet performance, testing, and labeling requirements  
37 established by ASME A112.19.19-2006;

1 (b) Be listed by an American national standards institute  
2 accredited third-party certification agency to ASME A112.19.19-2006;

3 (c) Provide a trap seal that complies with the California plumbing  
4 code;

5 (d) Permit the uninhibited flow of waste through the urinal to the  
6 sanitary drainage system;

7 (e) Be cleaned and maintained in accordance with the manufacturer's  
8 instructions after installation; and

9 (f) Be installed with a water supply rough-in to the urinal  
10 location that would allow a subsequent replacement of the nonwater-  
11 supplied urinal with a water-supplied urinal if desired by the owner or  
12 if required by the enforcement agency.

13 (6) Nothing in this section restricts the authority of the state  
14 building code council to require any additional conditions on the  
15 installation and use of nonwater-supplied urinals.

16 (7) For the purposes of this section, "water supply rough-in" means  
17 the installation of water distribution and fixture supply piping sized  
18 to accommodate a water-supplied urinal to an in-wall point immediately  
19 adjacent to the urinal location.

20 **Sec. 7.** RCW 19.27.015 and 2009 c 362 s 2 are each amended to read  
21 as follows:

22 (~~As used in this chapter~~) The definitions in this section apply  
23 throughout this chapter unless the context clearly requires otherwise.

24 (1) "Agricultural structure" means a structure designed and  
25 constructed to house farm implements, hay, grain, poultry, livestock,  
26 or other horticultural products. This structure may not be a place of  
27 human habitation or a place of employment where agricultural products  
28 are processed, treated, or packaged, nor may it be a place used by the  
29 public(~~(+)~~).

30 (2) "City" means a city or town(~~(+)~~).

31 (3) "Multifamily residential building" means common wall  
32 residential buildings that consist of four or fewer units, that do not  
33 exceed two stories in height, that are less than five thousand square  
34 feet in area, and that have a one-hour fire-resistive occupancy  
35 separation between units(~~(+and)~~).

36 (4) "Temporary growing structure" means a structure that has the



1 sides and roof covered with polyethylene, polyvinyl, or similar  
2 flexible synthetic material and is used to provide plants with either  
3 frost protection or increased heat retention.

4 (5) "High efficiency water closet" means a water closet that is  
5 either of the following:

6 (a) A dual flush water closet with an effective flush volume that  
7 does not exceed 1.28 gallons, where effective flush volume is defined  
8 as the composite, average flush volume of two reduced flushes and one  
9 full flush. Flush volumes must be tested in accordance with ASME  
10 A112.19.2 and A112.19.14.

11 (b) A single flush water closet where the effective flush volume  
12 does not exceed 1.28 gallons. The effective flush volume is the  
13 average flush volume when tested in accordance with ASME A112.19.2.

14 (6) "High efficiency urinal" means a urinal that uses no more than  
15 0.5 gallons per flush.

16 (7) "Institutional water closet" means any water closet fixture  
17 with a design not typically found in residential or commercial  
18 applications or that is designed for a specialized application,  
19 including, but not limited to, wall-mounted floor-outlet water closets,  
20 water closets used in jails or prisons, water closets used in  
21 bariatrics applications, and child water closets used in day care  
22 facilities.

23 (8) "Nonlow consumption flushometer valve," "nonlow consumption  
24 urinal," and "nonlow consumption water closet" mean devices that use  
25 more than 1.6 gallons per flush for toilets and more than 1.0 gallons  
26 per flush for urinals.

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