

SENATE BILL REPORT

ESHB 2172

As Reported By Senate Committee On:
Labor, Commerce & Financial Institutions, March 29, 2001

Title: An act relating to the repair and maintenance of backflow prevention assemblies.

Brief Description: Modifying provisions on the repair and maintenance of backflow prevention assemblies.

Sponsors: By House Committee on Commerce & Labor (originally sponsored by Representatives Grant and Mastin).

Brief History:

Committee Activity: Labor, Commerce & Financial Institutions: 3/29/01 [DPA, DNP].

SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

Majority Report: Do pass as amended.

Signed by Senators Prentice, Chair; Gardner, Vice Chair; Franklin, Hochstatter, Honeyford, Patterson, Regala and West.

Minority Report: Do not pass.

Signed by Senators Benton and Winsley.

Staff: Casey Bui (786-7448)

Background: Under current law, a person may not engage in the trade of plumbing unless he or she has a journeyman certificate, a specialty certificate, a temporary permit, or a trainee certificate. The Department of Labor and Industries administers the certification programs for plumbers. Individuals desiring to obtain certification must meet certain experience or educational requirements. In addition, individuals must pass an examination which tests general knowledge and practical procedures of the trade, and familiarity with applicable plumbing codes and administrative rules of the department.

State law requires that a backflow prevention device be installed in piping carrying used water, chemicals, liquids, gases or other substances that is interconnected with piping carrying potable water if there is a possibility that undrinkable substances could flow into the pipe or potable water system. A backflow prevention device prevents undrinkable substances from flowing into pure or potable water systems.

The Department of Health and local building officials may require inspection of certain backflow prevention devices annually. To inspect these devices, a person must be certified as a backflow assembly tester by the Department of Health. To make plumbing repairs on these devices within a building, the person must be certified as a journey level plumber.

Summary of Amended Bill: A specialty plumber certificate of competency for maintenance and repair of backflow prevention assemblies is created. The director of the Department of Labor and Industries (L&I) must establish reasonable criteria by rule before July 1, 2002, for determining an applicant's eligibility to take an examination for the certificate.

A person is eligible to take the examination for a specialty plumber certificate of competency for installation, maintenance and repair of the plumbing of single-family dwellings, duplexes and apartments if he or she completes a course of study in the plumbing trade at a school accredited by the Work Force Training and Education Coordinating Board.

Persons actively registered with the Department of Health on or before July 1, 2001, as backflow assembly testers may perform maintenance and repair of backflow prevention assemblies without being a certified plumber until January 1, 2003. After that date, they must meet the eligibility requirements for a specialty plumber's certificate of competency.

Local building officials may require an owner of a residential dwelling to test a backflow prevention assembly within the property lines of the premises either at the time of installation, repair, or relocation, or when the local official finds that cross-connection control may fail to prevent pollution or contamination of the domestic water supply.

Amended Bill Compared to Original Bill: The amended bill broadens the definition of what work a person may perform with a backflow specialty plumber's certificate of competency. It requires new rulemaking by the Department of Labor and Industries to determine eligibility requirements for people seeking the new specialty plumber's certificate. A grandfather clause is included to allow persons actively registered as backflow testers with the Department of Health on or before July 1, 2002, to perform maintenance and repair of backflow systems until January 1, 2003, while new eligibility rules are developed by L&I.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is important to protect the public health of citizens. It provides authority to backflow testers the right to replace small, simple parts in backflow assembly systems. It is also important to have a uniform, statewide inspection system. Therefore, the bill's proposal to remove the requirement for annual inspections of backflow systems is of concern.

Testimony Against: This bill is ill-conceived both on technical and practical grounds. Backflow assembly systems range from simple ones to complex ones. If unqualified backflow testers were allowed to replace parts, that could pose an even greater public health danger. The bill also does not provide for a timeline in developing new eligibility rules for backflow testers. Nor does it provide for backflow testers to continue their work while new rules are being developed.

Testified: PRO: Steve Lindstrom, Sno-King Water District (with concerns); Joe Daniels, WA Assn. of Sewer and Water Districts (with concerns); Tom Thetford, City of Everett (with

concerns); Roger Summy, Advance Testing; Steve Herres, Herres Construction; William Socky, WA State Building Code Council (with concerns); CON: Charles Mitchel, PHCC; Brian Garvey, Mechanical Contractors Assn. NEUTRAL: Pete Schmidt, L&I.