SENATE BILL REPORT
ESHB 2430

As of February 23, 2016

Title: An act relating to preserving water resources for an array of water supply needs, including irrigated agriculture, fish and wildlife habitat, and municipal use, by updating water conservation standards for appliances.

Brief Description: Preserving water resources for an array of water supply needs, including irrigated agriculture, fish and wildlife habitat, and municipal use, by updating water conservation standards for appliances.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Stanford, Lytton, Tarleton and Fitzgibbon).

Brief History: Passed House: 2/12/16, 50-45.
Committee Activity: Agriculture, Water & Rural Economic Development: 2/23/16.

SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

Staff: Diane Smith (786-7410)

Background: Washington law sets minimum water conservation performance standards (performance standards) for several categories of plumbing fixtures including water closets, urinals, showerheads, and faucets. The performance standards supersede all local government codes; may not be amended by cities, towns, or counties; and apply to all new construction and remodeling projects which involve replacement of plumbing fixtures. Minimum performance standards for most plumbing fixtures were last updated in 1993.

The State Building Code Council provides analysis and advice to the Legislature and the Office of the Governor on state building code issues. It adopts rules that implement and incorporate the state's performance standards. Updates to the state building code and performance standards are made on a three-year cycle.

Flushometer toilets are typically used in institutional, office, or commercial buildings, whereas tank-type toilets are typically used in residential settings. Flushometer toilets have a pressurized water supply with a valve to regulate water between each flush, and include flushometer-valve and flushometer-tank toilets.

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.

Summary of Bill: The following changes to the performance standards must be implemented by July 1, 2019:

Appliance Type	Previous Standard	Effective Date	New Standard Effective July 1, 2019
Tank-type toilet	1.6 gpf*	July 1, 1993	1.28 gpf
Flushometer nontank toilet (flushometer-valve)	3.5 gpf	July 1, 1990	1.6 gpf
Urinals	1.0 gpf	July 1, 1993	0.5 gpf
Lavatory faucets	2.5 gpm**	July 1, 1993	1.2 gpm
Kitchen faucets	2.5 gpm	July 1, 1993	2.2 gpm
Replacement aerators	2.5 gpm	July 1, 1993	2.2 gpm

*gpf = gallons per flush
**gpm = gallons per minute

A performance standard of 0.26 gallons per cycle is established for metered faucets, and 0.5 gpm for public lavatory faucets, other than metering faucets. Additionally, a performance standard for all flushometer toilets of 1.28 gpf must be effective by July 1, 2022.

The State Building Code Council must adopt rules necessary to implement the new performance standards during the 2018 code adoption process.

All fixtures, fittings, and toilets - except toilets used by children in day-care facilities, toilets used in correctional facilities, juvenile confinement facilities, and certain mental health facilities; and toilets in bariatric applications, sold, offered for sale, or distributed in the state - must meet the new performance standards by July 1, 2018.

A retailer may sell out their inventories of products that do not meet the new standards if they can provide proof that the product was in stock and physically at the retail location prior to July 1, 2018. These products may be sold until supply is sold out or until January 1, 2019.

References to "flushometer-valve" toilets are changed to "flushometer nontank" toilets.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill provides conservation of water which the last drought highlighted as the most cost-effective way to develop more water for the state's in-stream flows, agricultural, municipal and commercial needs. The water-savings would be 451 million gallons per year and $17.7 M savings in utility bills. There would also be energy savings and wastewater reductions. The suggested changes are not too far out in front of where the market already is. Markets have moved forward with Texas, Georgia,

Colorado and California having already adopted these standards. Standards have not been updated since 1993.

This bill is about consumer protection: A conformity assessment accreditation under ISO 17065 gives assurance that the fixture meets legal specifications.

CON: Reforms to the Building Code Council are moving through the House and Senate this session. These bills seek to correct the Council's perceived functional deficiencies. It would be inappropriate at this time to burden the Council either as-is or as newly improved should that legislation be enacted. These standards are different from national standards with which manufacturers must comply. A separate Washington standard raises supply and cost issues. These fixtures are available now but at the consumers' choice which should be protected.

Persons Testifying: PRO: Representative Stanford, Prime Sponsor; Kraig Stevenson, International Code Council; bruce wishart, CELP / Sierra Club; Raelene Gold, League of Women Voters of Washington.

CON: Jan Himebaugh , Building Industry Association of Washington.

Persons Signed In To Testify But Not Testifying: No one.