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COMMENTARY

Law deserves to be flushed away

When the feds start picking your bathroom fixtures, things have gone too far.

BY BEN LIEBERMAN
Bridge News

In one of the silliest ideas yet to come down the pike (or pipe), Congress entered the plumbing fixture design business in 1992, mandating strict water-use standards for toilets and shower heads.

Today, several years and millions of unhappy homeowners later, a few legislators are fighting to right this wrong and beginning to make some progress.

Congressional hearings this week highlight the problems with this law and provide Americans with hope that its toilets, and its representation, may be improving.

The 1992 Energy Policy Act required that new toilets must use no more than 1.6 gallons per flush, less than half the water used by conventional models. New showers were limited to a flow of 2.5 gallons per minute, a steep decline.

Since then, consumers have had to deal with water "saving" toilets that don't work as well as their predecessors, yet cost more. Many complain of frequent stoppages and the need for additional cleaning.

Ironically, some consumers say that they now must flush more than once to

clear out the bowl, which may actually increase their water use and undercut the conservation rationale behind the law.

Despite claims from manufacturers that the problems are isolated, the dissatisfaction is widespread. Seventy-two percent of builders have had to deal with homeowner complaints about the new toilets, according to a survey conducted by the National Association of Home Builders.

The numbers for showers are only slightly less discouraging—49 percent of builders report problems.

In response to constituent complaints, Rep. Joe Knollenberg, Michigan Republican, introduced a bill in 1997 to repeal these measures.

The low-flow mandates were aggressively defended by a potent combination of plumbing fixture manufacturers and environmental activists.

Rep. Dan Schaefer, the Colorado Republican who chaired the House Energy and Policy subcommittee, was so squeamish about taking on the environmental lobby that he avoided hearings on the subject. Yet even without a hearing, the bill garnered 76 co-sponsors.

Knollenberg has introduced a new version. Rep. Joe Barton, one of the co-sponsors of the original bill, heads the subcommittee now, and the measure's future looks a bit brighter.

Barton is a reform-minded Republi-

can from Texas who recognizes that the micromanagement of plumbing fixtures is a small but very real example of Washington out of control. The new bill already has more co-sponsors than the original.

Low-flow lobbyists point to recent improvements in toilets and insist Knollenberg's bill is unnecessary because the problems have now been solved.

In response to an industry-sponsored study purporting to show high consumer satisfaction with the new toilets, Ronnie Cohen, a policy analyst for the Natural Resources Defense Council in Washington, says they are "better than the old toilets."

Far more revealing is the fact that low-flow supporters are scared witless of a return to a competitive market. Despite their boasts that low-flow fixtures are now satisfactory, proponents tacitly assume that, if given the choice, consumers would flock back to the high-flow models.

If Congress fails to act, we can be sure that federal regulators will make things worse. Current law allows the Energy Department to tighten existing toilet and shower standards, and experience indicates that bureaucrats rarely pass up such opportunities. If Knollenberg's repeal measure fails, expect a future push for toilets using 1.4, 1.2 or even one gallon per flush and even stingier showers.

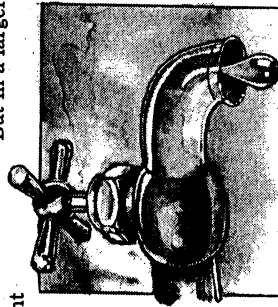
Some in Congress may not see this issue as terribly important. Underperforming toilets and showers, after all, are not as serious as the future of Social Security or relations with Russia.

But in a larger sense, the low-flow controversy and its resolution could be a signal for Washington's future direction. A federal government that believes it has the right, the need and the competence to set design standards for plumbing fixtures is one losing sight of its limits and its limitations.

And if the system is so beholden to special interests that it will continue to foist clearly unwanted chores on the general public, there are few constraints to the damage it can inflict.

On the other hand, a Congress that listens to the people, admits its mistakes and gets out of the plumbing business would be taking an important step toward sensibility.

And by making the old-style toilets and showers legal again, a president concerned about his legacy could bestow upon the American people two gifts they will appreciate every day of their lives—quality bathroom fixtures and freedom of choice.



Ben Lieberman is a policy analyst with the Competitive Enterprise Institute in Washington.