

**2021 -- S 0339 SUBSTITUTE A**

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LC001650/SUB A/3  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2021**

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- APPLIANCE AND EQUIPMENT  
ENERGY AND WATER EFFICIENCY STANDARDS ACT OF 2021

Introduced By: Senators Sosnowski, Valverde, and Coyne

Date Introduced: February 25, 2021

Referred To: Senate Commerce

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings

2 The general assembly finds that:

3 (1) Efficiency standards for certain products sold or installed in the state assure consumers  
4 and businesses that such products meet minimum efficiency performance levels, thus reducing  
5 energy and water waste and saving consumers and businesses money on utility bills.

6 (2) Such efficiency standards save energy and thus reduce climate-changing emissions and  
7 other environmental impacts associated with the production, distribution, and use of electricity,  
8 natural gas, and other fuels.

9 (3) Such efficiency standards save water, mitigating the effects of short- and long-term  
10 droughts and helping to conserve fresh water supplies.

11 (4) Bill savings resulting from more-efficient products benefit all consumers but are  
12 especially important to low-income families, who spend a disproportionate share of their income  
13 on utilities. Efficiency standards also help the state and local economies because bill savings can  
14 be spent on local goods and services.

15 (5) Energy and water savings help reduce or delay the need for expensive investments in  
16 new power plants, transmission lines, and distribution system upgrades, new and expanded gas  
17 pipelines, and water and sewer infrastructure improvements.

18 SECTION 2. Title 39 of the General Laws entitled "PUBLIC UTILITIES AND

1 CARRIERS" is hereby amended by adding thereto the following chapter:

2 CHAPTER 27.1

3 APPLIANCE AND EQUIPMENT ENERGY AND WATER EFFICIENCY STANDARDS ACT

4 OF 2021

5 **39-27.1-1. General purpose.**

6 This chapter establishes minimum efficiency standards for certain products sold or installed  
7 in the state. This chapter shall, upon enactment, be construed to supersede any conflicting  
8 provisions of chapter 27 of title 39, "The Energy and Consumer Savings Act of 2005."

9 **39-27.1-2. Definitions.**

10 (a) For purposes of this chapter, the following definitions apply:

11 (1) "Commercial dishwasher" means a machine designed to clean and sanitize plates, pots,  
12 pans, glasses, cups, bowls, utensils, and trays by applying sprays of detergent solution (with or  
13 without blasting media granules) and a sanitizing rinse.

14 (2) "Commercial fryer" means an appliance, including a cooking vessel, in which oil is  
15 placed to such a depth that the cooking food is essentially supported by displacement of the cooking  
16 fluid rather than by the bottom of the vessel. Heat is delivered to the cooking fluid by means of an  
17 immersed electric element of band-wrapped vessel (electric fryers) or by heat transfer from gas  
18 burners through either the walls of the fryer or through tubes passing through the cooking fluid (gas  
19 fryers).

20 (3) "Commercial hot-food holding cabinet" means a heated, fully enclosed compartment  
21 with one or more solid or transparent doors designed to maintain the temperature of hot food that  
22 has been cooked using a separate appliance. "Commercial hot-food holding cabinet" does not  
23 include heated glass merchandizing cabinets, drawer warmers, or cook-and-hold appliances.

24 (4) "Commercial oven" means a chamber designed for heating, roasting, or baking food by  
25 conduction, convection, radiation, and/or electromagnetic energy.

26 (5) "Commercial steam cooker," also known as "compartment steamer," means a device  
27 with one or more food-steaming compartments in which the energy in the steam is transferred to  
28 the food by direct contact. Models may include countertop models, wall-mounted models, and floor  
29 models mounted on a stand, pedestal, or cabinet-style base.

30 (6) "Commissioner" means the commissioner of energy resources at the Rhode Island  
31 office of energy resources, appointed pursuant to § 42-140-4.

32 (7) "Compensation" means money or any other valuable thing, regardless of form, received  
33 or to be received by a person for services rendered.

34 (8) "Electric vehicle supply equipment" means the conductors, including the ungrounded,

1 grounded, and equipment grounding conductors, the electric vehicle connectors, attachment plugs,  
2 and all other fittings, devices, power outlets, or apparatuses installed specifically for the purpose of  
3 delivering energy from the premises wiring to the electric vehicle. Excludes conductors,  
4 connectors, and fittings that are part of a vehicle.

5 (9) The following definitions refer to "faucets":

6 (i) "Faucet" means a private lavatory faucet, residential kitchen faucet, metering faucet,  
7 public lavatory faucet, or replacement aerator for a private lavatory, public lavatory or residential  
8 kitchen faucet.

9 (ii) "Public lavatory faucet" means a fitting designed to be installed in nonresidential  
10 bathrooms that are exposed to walk-in traffic.

11 (iii) "Metering faucet" means a fitting that, when turned on, will gradually shut itself off  
12 over a period of several seconds.

13 (iv) "Replacement aerator" means an aerator sold as a replacement, separate from the faucet  
14 to which it is intended to be attached.

15 (10) The following definitions refer to "gas fireplaces":

16 (i) "Decorative gas fireplace" means a vented fireplace, including appliances that are  
17 freestanding, recessed, zero clearance, or a gas fireplace insert, that is fueled by natural gas or  
18 propane, is marked for decorative use only, and is not equipped with a thermostat or intended for  
19 use as a heater.

20 (ii) "Gas fireplace" means a decorative gas fireplace or a heating gas fireplace.

21 (iii) "Heating gas fireplace" means a vented fireplace, including appliances that are  
22 freestanding, recessed, zero clearance, or a gas fireplace insert, that is fueled by natural gas or  
23 propane and is not a decorative fireplace.

24 (11) "Portable electric spa" means a factory-built electric spa or hot tub which may or may  
25 not include any combination of integral controls, water heating or water circulating equipment.

26 (12) "Residential ventilating fan" means a ceiling or wall-mounted fan, or remotely  
27 mounted in-line fan, designed to be used in a bathroom or utility room for the purpose of moving  
28 air from inside the building to the outdoors.

29 (13) The following definitions refer to "showerheads":

30 (i) "Showerhead" means an accessory to a supply fitting for spraying water onto a bather,  
31 typically from an overhead position and includes a hand-held showerhead, but does not include a  
32 safety showerhead.

33 (ii) "Hand-held showerhead" means a showerhead that can be held or fixed in place for the  
34 purpose of spraying water onto a bather and that is connected to a flexible hose.

1 (14) The following definitions refer to "spray sprinkler bodies":

2 (i) "Pressure regulator" means a device that maintains constant operating pressure  
3 immediately downstream from the device, given higher pressure upstream.

4 (ii) "Spray sprinkler body" means the exterior case or shell of a sprinkler incorporating a  
5 means of connection to the piping system designed to convey water to a nozzle or orifice.

6 (15) The following definitions refer to "urinals" and "water closets":

7 (i) "Dual-flush effective flush volume" means the average flush volume of two (2) reduced  
8 flushes and one full flush.

9 (ii) "Dual-flush water closet" means a water closet incorporating a feature that allows the  
10 user to flush the water closet with either a reduced or a full volume of water.

11 (iii) "Plumbing fixture" means an exchangeable device, which connects to a plumbing  
12 system to deliver and drain away water and waste.

13 (iv) "Trough-type urinal" means a urinal designed for simultaneous use by two (2) or more  
14 persons.

15 (v) "Urinal" means a plumbing fixture that receives only liquid body waste and conveys  
16 the waste through a trap into a drainage system.

17 (vi) "Water closet" means a plumbing fixture having a water-containing receptor that  
18 receives liquid and solid body waste through an exposed integral trap into a drainage system.

19 (16) The following definitions refer to "water coolers":

20 (i) "Cold only units" dispense cold water only.

21 (ii) "Cook and cold units" dispense both cold and room-temperature water.

22 (iii) "Hot and cold units" dispense both hot and cold water. Provided further that certain  
23 units also offer room-temperature water.

24 (iv) "On demand" means the water cooler heats water as it is requested, which typically  
25 takes a few minutes to deliver.

26 (v) "Storage-type" means thermally conditioned water is stored in a tank in the water cooler  
27 and is available instantaneously. Point-of-use, dry storage compartment, and bottled water coolers  
28 are included in this category.

29 (vi) "Water cooler" means a freestanding device that consumes energy to cool and/or heat  
30 potable water.

31 **39-27.1-3. Scope.**

32 (a) The provisions of this chapter apply to:

33 (1) Commercial dishwashers;

34 (2) Commercial fryers;

- 1           (3) Commercial hot-food holding cabinets;
- 2           (4) Commercial ovens;
- 3           (5) Commercial steam cookers;
- 4           (6) Electric vehicle supply equipment;
- 5           (7) Faucets
- 6           (8) Gas fireplaces;
- 7           (9) Portable electric spas;
- 8           (10) Residential ventilating fans;
- 9           (11) Showerheads;
- 10          (12) Spray sprinkler bodies;
- 11          (13) Urinals;
- 12          (14) Water closets; and
- 13          (15) Water coolers.
- 14          (b) The provisions of this chapter do not apply to:
- 15           (1) New products manufactured in the state and sold outside the state;
- 16           (2) New products manufactured outside the state and sold at wholesale inside the state for
- 17 final retail sale and installation outside the state;
- 18           (3) Products installed in mobile manufactured homes at the time of construction; or
- 19           (4) Products designed expressly for installation and use in recreational vehicles.
- 20          **39-27.1-4. Standards.**
- 21           (a) Not later than one year after the date of enactment of this chapter, the commissioner
- 22 shall adopt regulations, in accordance with the provisions of chapter 35 of title 42, establishing
- 23 minimum efficiency standards for the types of new products set forth in § 39-27.1-3.
- 24           (b) The regulations shall provide for the following minimum efficiency standards:
- 25           (1) Commercial dishwashers included in the scope of the ENERGY STAR Program
- 26 Requirements Product Specification for Commercial Dishwashers, Version 2.0, shall meet the
- 27 qualification criteria of that specification.
- 28           (2) Commercial fryers included in the scope of the ENERGY STAR Program
- 29 Requirements Product Specification for Commercial Fryers, Version 2.0, shall meet the
- 30 qualification criteria of that specification.
- 31           (3) Commercial hot-food holding cabinets shall meet the qualification criteria of the
- 32 ENERGY STAR Program Requirements Product Specification for Commercial Hot Food Holding
- 33 Cabinets, Version 2.0.
- 34           (4) Commercial ovens included in the scope of the ENERGY STAR Program

1 Requirements Product Specification for Commercial Ovens, Version 2.2, shall meet the  
2 qualification criteria of that specification.

3 (5) Commercial steam cookers shall meet the requirements of the ENERGY STAR  
4 Program Requirements Product Specification for Commercial Steam Cookers, Version 1.2.

5 (6) Electric vehicle supply equipment included in the scope of the ENERGY STAR  
6 Program Requirements Product Specification for Electric Vehicle Supply Equipment, Version 1.0  
7 (Rev. Apr-2017), shall meet the qualification criteria of that specification.

8 (7) Faucets, except for metering faucets, shall meet the standards shown in this subsection  
9 when tested in accordance with Appendix S to Subpart B of Part 430 of Title 10 of the Code of  
10 Federal Regulations and compliance with those requirements shall be -- "Uniform Test Method for  
11 Measuring the Water Consumption of Faucets and Showerheads" -- as in effect on January 1, 2020.

12 (i) Lavatory faucets and replacement aerators shall not exceed a maximum flow rate of one  
13 and five-tenths gallons per minute (1.5 gpm) at sixty pounds per square inch (60 psi).

14 (ii) Residential kitchen faucets and replacement aerators shall not exceed a maximum flow  
15 rate of one and eight-tenths gallons per minute (1.8 gpm) at sixty pounds per square inch (60 psi),  
16 with optional temporary flow of two and two-tenths gallons per minute (2.2 gpm), provided they  
17 default to a maximum flow rate of one and eight-tenths gallons per minute (1.8 gpm) at sixty pounds  
18 per square inch (60 psi) after each use.

19 (iii) Public lavatory faucets and replacement aerators shall not exceed a maximum flow  
20 rate of five-tenths gallons per minute (0.5 gpm) at sixty pounds per square inch (60 psi).

21 (8) Gas fireplaces shall comply with the following requirements:

22 (i) Gas fireplaces shall be capable of automatically extinguishing any pilot flame when the  
23 main gas burner flame is established and when it is extinguished;

24 (ii) Gas fireplaces must prevent any ignition source for the main gas burner flame from  
25 operating continuously for more than seven (7) days;

26 (iii) Decorative gas fireplaces must have a direct vent configuration, unless marked for  
27 replacement use only; and,

28 (iv) Heating gas fireplaces shall have a fireplace efficiency greater than or equal to fifty  
29 percent (50%) when tested in accordance with CSA P.4.1-15, "Testing Method for Measuring  
30 Annual Fireplace Efficiency."

31 (9) Portable electric spas shall meet the requirements of the "American National Standard  
32 for Portable Electric Spa Energy Efficiency" (ANSI/APSP/ICC 14-2019).

33 (10) In-line residential ventilating fans shall have a fan motor efficacy of no less than two  
34 and eight-tenths (2.8) cubic feet per minute per watt. All other residential ventilating fans shall have

1 a fan motor efficacy of no less than one and four-tenths (1.4) cubic feet per minute per watt for  
2 airflows less than ninety (90) cubic feet per minute and no less than two and eight-tenths (2.8) cubic  
3 feet per minute per watt for other airflows when tested in accordance with Home Ventilation  
4 Institute Publication 916 "HVI Airflow Test Procedure."

5 (11) Showerheads shall not exceed a maximum flow rate of two gallons per minute (2.0  
6 gpm) at eighty pounds per square inch (80 psi) when tested in accordance with Appendix S to  
7 Subpart B of Part 430 of Title 10 of the Code of Federal Regulations and compliance with those  
8 requirements shall be -- "Uniform Test Method for Measuring the Water Consumption of Faucets  
9 and Showerheads" -- as in effect on January 1, 2020.

10 (12) Spray sprinkler bodies that are not specifically excluded from the scope of the  
11 WaterSense Specification for Spray Sprinkler Bodies, Version 1.0, shall include an integral  
12 pressure regulator and shall meet the water efficiency and performance criteria and other  
13 requirements of that specification.

14 (13) Urinals and water closets, other than those designed and marketed exclusively for use  
15 at prisons or mental health facilities, shall meet the standards shown in subsections (b)(1) through  
16 (b)(4) of this section when tested in accordance with Appendix T to Subpart B of Part 430 of Title  
17 10 of the Code of Federal Regulations -- "Uniform Test Method for Measuring the Water  
18 Consumption of Water Closets and Urinals"-- as in effect on January 1, 2020, and water closets  
19 shall pass the waste extraction test for water closets (Section 7.9) of the American Society of  
20 Mechanical Engineers (ASME) A112.19.2/CSA B45.1-2018.

21 (i) Wall-mounted urinals, except for trough-type urinals, shall have a maximum flush  
22 volume of five-tenths (0.5) gallons per flush.

23 (ii) Floor-mounted urinals, except for trough-type urinals, shall have a maximum flush  
24 volume of five-tenths (0.5) gallons per flush.

25 (iii) Water closets, except for dual-flush tank-type water closets, shall have a maximum  
26 flush volume of one and twenty-eight hundredths (1.28) gallons per flush.

27 (iv) Dual-flush tank-type water closets shall have a maximum dual flush effective flush  
28 volume of one and twenty-eight hundredths (1.28) gallons per flush.

29 (14) Water coolers included in the scope of the ENERGY STAR Program Requirements  
30 Product Specification for Water Coolers, Version 2.0, shall have on mode with no water draw  
31 energy consumption less than or equal the following values as measured in accordance with the  
32 test requirements of that program:

33 (i) Sixteen hundredths kilowatt hours (0.16 KWh) per day for cold-only units and cook and  
34 cold units;

1 (ii) Eighty-seven hundredths kilowatt hours (0.87 KWh) per day for storage type hot and  
2 cold units; and

3 (iii) Eighteen hundredths kilowatt hours (0.18 KWh) per day for on demand hot and cold  
4 units.

5 **39-27.1-5. Implementation.**

6 (a) No commercial dishwasher, commercial fryer, commercial hot-food holding cabinet,  
7 commercial oven, commercial steam cooker, electric vehicle supply equipment, faucet, gas  
8 fireplace, portable electric spa, residential ventilating fan, showerhead, spray sprinkler body, urinal,  
9 water closet, or water cooler manufactured on or after January 1, 2023, may be sold or offered for  
10 sale, lease, or rent in the state unless the new product meets the requirements of the standards  
11 provided in this chapter.

12 (b) One year after the date upon which the sale or offering for sale of certain products  
13 becomes subject to the requirements of subsection (a) of this section, no such products may be  
14 installed for compensation in the state unless the efficiency of the new product meets or exceeds  
15 the efficiency standards provided in § 39-27.1-4.

16 **39-27.1-6. New and revised standards.**

17 The commissioner may adopt regulations, in accordance with the provisions of chapter 35  
18 of title 42, to establish increased efficiency standards for the products listed or incorporated in §  
19 39-27.1-3. In considering such new or amended standards, the commissioner shall set efficiency  
20 standards upon a determination that increased efficiency standards would serve to promote energy  
21 or water conservation in the state and would be cost effective for consumers who purchase and use  
22 such new products; provided that, no new or increased efficiency standards shall become effective  
23 within one year following the adoption of any amended regulations establishing such increased  
24 efficiency standards.

25 **39-27.1-7. Testing; Certification; Labeling; Enforcement.**

26 (a) The manufacturers of products covered by this chapter shall test samples of their  
27 products in accordance with the test procedures adopted pursuant to this chapter. The commissioner  
28 may adopt updated test methods when new versions of test procedures become available.

29 (b) Manufacturers of new products covered by § 39-27.1-3 shall certify to the  
30 commissioner that such products are in compliance with the provisions of this chapter. Such  
31 certifications shall be based on test results. The commissioner shall promulgate regulations  
32 governing the certification of such products and shall coordinate with the certification programs of  
33 other states and federal agencies with similar standards.

34 (c) Manufacturers of new products covered by § 39-27.1-3 shall identify each product



1 offered for sale or installation in the state as in compliance with the provisions of this chapter by  
2 means of a mark, label, or tag on the product and packaging at the time of sale or installation. The  
3 commissioner shall promulgate regulations governing the identification of such products and  
4 packaging, which shall be coordinated to the greatest practical extent with the labeling programs  
5 of other states and federal agencies with equivalent efficiency standards. The commissioner shall  
6 allow the use of existing marks, labels, or tags, which connote compliance with the efficiency  
7 requirements of this chapter.

8 (d) The commissioner may test products covered by § 39-27.1-3. If products so tested are  
9 found not to be in compliance with the minimum efficiency standards established under § 39-27.1-  
10 4, the commissioner shall:

11 (1) Charge the manufacturer of such product for the cost of product purchase and testing;  
12 and

13 (2) Make information available to the attorney general and the public on products found  
14 not to be in compliance with the standards.

15 (e) With prior notice and at reasonable and convenient hours, the commissioner may cause  
16 periodic inspections to be made of distributors or retailers of new products covered by § 39-27.1-3  
17 in order to determine compliance with the provisions of this chapter. The commissioner shall also  
18 coordinate with the state building code standards committee regarding inspections prior to  
19 occupancy of newly constructed buildings containing new products that are also covered by chapter  
20 27.3 of title 23.

21 (f) The commissioner shall investigate complaints received concerning violations of this  
22 chapter and shall report the results of such investigations to the attorney general. The attorney  
23 general may institute proceedings to enforce the provisions of this chapter. Any manufacturer,  
24 distributor, or retailer, or any person who installs a product covered by this chapter for  
25 compensation, who violates any provision of this chapter shall be issued a warning by the  
26 commissioner for any first violation and subject to a civil penalty of up to one hundred dollars  
27 (\$100) for each offense. Repeat violations shall be subject to a civil penalty of not more than five  
28 hundred dollars (\$500) for each offense. Each violation shall constitute a separate offense, and each  
29 day that such violation continues shall constitute a separate offense. Penalties assessed under this  
30 subsection are in addition to costs assessed under subsection (d) of this section.

31 (g) The commissioner may adopt such further regulations as necessary to ensure the proper  
32 implementation and enforcement of the provisions of this chapter.

33 **39-27.1-8. Severability.**

34 If any provision of this chapter or the application thereof to any person or circumstances is

1 held invalid, such invalidity shall not affect other provisions or applications of the chapter, which  
2 can be given effect without the invalid provision or application, and to this end the provisions of  
3 this chapter are declared to be severable.

4 **39-27.1-9. Effective Date.**

5 This act shall take effect upon passage, and shall be construed to supersede any conflicting  
6 provisions of chapter 27 of title 39, "The Energy and Consumer Savings Act of 2005".

7 SECTION 3. This act shall take effect upon passage.

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LC001650/SUB A/3  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- APPLIANCE AND EQUIPMENT  
ENERGY AND WATER EFFICIENCY STANDARDS ACT OF 2021

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- 1           This act would establish minimum energy and water efficiency standards for appliances
- 2           and specified equipment purchased or installed after January 1, 2023.
- 3           This act would take effect upon passage.

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