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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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. Section 39-27-5 of the General Laws in Chapter 39-27 entitled "The Energy

1 and Consumer Savings Act of 2005" is hereby amended to read as follows:

2 **39-27-5. Efficiency standards.**

3 (a) Not later than June 1, 2006, and effective until January 1, 2023, the commission, in
4 consultation with the state building commissioner and the chief of energy and community services,
5 shall adopt regulations, in accordance with the provisions of chapter 35 of title 42, establishing
6 minimum efficiency standards for the types of new products set forth in § 39-27-4(a). The
7 regulations shall provide for the following minimum efficiency standards, which standards shall
8 remain in effect until such time as the provisions of chapter 27.1 of title 39 become effective:

9 (1) Automatic commercial icemakers shall meet the energy efficiency requirements shown
10 in table A-7 of § 1605.3 of the California Code of Regulations, Title 20: Division 2, Chapter 4,
11 Article 4: Appliance Efficiency Regulations as adopted on December 15, 2004.

12 (2) Commercial clothes washers shall meet the requirements shown in Table P-4 of §
13 1605.3 of the California Code of Regulations, Title 20: Division 2, Chapter 4, Article 4: Appliance
14 Efficiency Regulations in effect on December 15, 2004.

15 (3) Commercial pre-rinse spray valves shall have a flow rate equal to or less than one and
16 six-tenths gallons (1.6 gals.) per minute.

17 (4) Commercial refrigerators, freezers, and refrigerator-freezers shall meet the minimum
18 efficiency requirements shown in Table A-6 of § 1605.3 of the California Code of Regulations,
19 Title 20: Division 2, Chapter 4, Article 4: Appliance Efficiency Regulations as adopted on
20 December 15, 2004, except that pulldown refrigerators with transparent doors shall meet a
21 requirement five percent (5%) less stringent than shown in the California regulations.

22 (5) High-intensity discharge lamp ballasts shall not be designed and marketed to operate a
23 mercury vapor lamp.

24 (6) Illuminated exit signs shall have an input power demand of five watts (5 W) or less per
25 illuminated face.

26 (7) Large packaged air-conditioning equipment shall meet a minimum energy efficiency
27 ratio of:

28 (i) Ten (10.0) for air conditioning without an integrated heating component or with electric
29 resistance heating integrated into the unit;

30 (ii) Nine and eight tenths (9.8) for air conditioning with heating other than electric
31 resistance integrated into the unit;

32 (iii) Nine and five tenths (9.5) for air conditioning with heating other than electric
33 resistance integrated heating component or with electric resistance heating integrated into the unit;

34 (iv) Nine and three tenths (9.3) for air-conditioning heat pump equipment with heating

1 other than electric resistance integrated into the unit. Large packaged air-conditioning heat pumps
2 shall meet a minimum coefficient of performance in the heating mode of three and two tenths (3.2)
3 (measured at a high temperature rating of forty-seven (47) degrees F db).

4 (8) Low-voltage dry-type distribution transformers shall meet the Class 1 efficiency levels
5 for low-voltage distribution transformers specified in Table 4-2 of the "Guide for Determining
6 Energy Efficiency for Distribution Transformers" published by the National Electrical
7 Manufacturers Association (NEMA Standard TP-1-2002).

8 (9) Metal-halide lamp fixtures that operate in a vertical position and are designed to be
9 operated with lamps rated greater than or equal to one hundred fifty watts (150 W) but less than or
10 equal to five hundred watts (500 W) shall not contain a probe-start metal-halide lamp ballast.

11 (10) Single-voltage external AC to DC power supplies shall meet the tier-one energy-
12 efficiency requirements shown in Table U-1 of § 1605.3 of the California Code of Regulations,
13 Title 20: Division 2, Chapter 4, Article 4: Appliance Efficiency Regulations as adopted on
14 December 15, 2004. This standard applies to single-voltage AC to DC power supplies that are sold
15 individually and to those that are sold as a component of or in conjunction with another product.
16 Single-voltage external AC to DC power supplies that are made available by a product
17 manufacturer as service parts or spare parts for its products manufactured prior to January 1, 2008,
18 shall be exempt from this provision.

19 (11) Torchieres shall not use more than one hundred ninety watts (190 W). A torchiere
20 shall be deemed to use more than one hundred ninety watts (190 W) if any commercially available
21 lamp or combination of lamps can be inserted in its socket(s) and cause the torchiere to draw more
22 than one hundred ninety watts (190 W) when operated at full brightness.

23 (12) Traffic signal modules shall meet the product specification of the "Energy Star
24 Program Requirements for Traffic Signals" developed by the U.S. Environmental Protection
25 Agency that took effect in February 2001 and shall be installed with compatible, electronically-
26 connected signal-control interface devices and conflict-monitoring systems.

27 (13) Unit heaters shall be equipped with an intermittent ignition device and shall have
28 either power venting or an automatic flue damper.

29 (b) Not later than June 1, 2007, the commission, in consultation with the state building
30 commissioner and the chief of energy and community services, shall adopt regulations, in
31 accordance with the provisions of chapter 35 of title 42, establishing minimum efficiency standards
32 for the types of new products set forth in § 39-27-4(b). The regulations shall provide for the
33 following minimum efficiency standards.

34 (1) Bottle-type water dispensers designed for dispensing both hot and cold water shall not

1 have standby energy consumption greater than one and two-tenths kilowatt-hours (1.2 KWh) per
2 day.

3 (2) Commercial hot food holding cabinets shall have a maximum idle energy rate of forty
4 watts (40 W) per cubic foot of interior volume.

5 (3)(i) Residential furnaces and residential boilers shall comply with the following Annual
6 Fuel Utilization Efficiency (AFUE) and electricity ratio values:

7 Product Type	Minimum AFUE	Maximum electricity ratio
8 Natural gas and propane-fired furnaces	90%	2.0%
9 Oil-fired furnaces > 94,000 10 Btu/hour in capacity	83%	2.0%
11 Oil-fired furnaces > 94,000 12 Btu/hour in capacity	83%	2.3%
13 Natural gas and oil, and propane-fired hot 14 water residential boilers	84%	Not applicable
15 Natural gas, oil, and propane-fired steam 16 residential boilers	82%	Not applicable

17 (ii) The chief of energy and community services shall adopt rules to provide for exemptions
18 from compliance with the foregoing residential furnace or residential boiler AFUE standards at any
19 building, site, or location where complying with the standards would be in conflict with any local
20 zoning ordinance, fire code, building or plumbing code, or other rule regarding installation and
21 venting of residential furnaces or residential boilers.

22 (iii) The provisions of subsection (b) shall be effective upon determination by the chief of
23 energy and community services that the same or substantial corresponding standards have been
24 enacted in two (2) New England states.

25 (4)(i) State-regulated incandescent reflector lamps shall meet the minimum average lamp
26 efficacy requirements for federally-regulated incandescent reflector lamps contained in 42 U.S.C.
27 § 6295(i)(1)(B).

28 (ii) The following types of incandescent reflector lamps are exempt from these
29 requirements:

30 (A) Lamps, rated at fifty watts (50 W) or less of the following types: BR30, BR40, ER30,
31 and ER40;

32 (B) Lamps, rated at sixty-five watts (65 W) of the following types: BR30, BR40, and ER40;
33 and

34 (C) R20 lamps of forty-five watts (45 W) or less.

1 (5)(i) Walk-in refrigerators and walk-in freezers with the applicable motor types shown in
2 the table below shall include the required components shown.

3 MOTOR Type	Required Components
4 All	Interior lights: light sources with an efficacy of forty-five 5 (45) lumens per watt or more, including ballast losses (if 6 any). This efficacy standard does not apply to LED light 7 sources until January 2010.
8 All	Automatic door closers that firmly close all reach-in doors.
9 All	Automatic door closers that firmly close all walk-in doors no 10 wider than 3.9 feet and no higher than 6.9 feet that have been 11 closed to within one inch of full closure.
12 All	Wall, ceiling, and door insulation at least R-28 for 13 refrigerators and at least R-34 for freezers
14 All	Floor insulation at least R-28 for freezers (no requirements for 15 refrigerators)
16 Condenser fan motors of under one 17 horsepower	Electronically commutated motors, Permanently split 18 capacitor-type motors Polyphase motors of one-half (1/2) 19 horsepower or more
20 Single-phase evaporator fan motors 21 of under one horse power and less 22 than four hundred sixty (460) volts	Electronically commutated motors

23 (ii) In addition to the requirements in subsection (b)(5)(i), walk-in refrigerators and walk-
24 in freezers with transparent reach-in doors shall meet the following requirements: transparent
25 reach-in doors shall be of triple-pane glass with either heat-reflective treated glass or gas fill; if the
26 appliance has an anti-sweat heater without anti-sweat controls, then: the appliance shall have a total
27 door rail, glass, and frame heater power draw of no more than forty watts (40 W) if it is a freezer
28 or seventeen watts (17 W) if it is a refrigerator per foot of door frame width; and if the appliance
29 has an anti-sweat heater with anti-sweat heat controls, and the total door rail, glass, and frame heater
30 power draw is more than forty watts (40 W) if it is a freezer or seventeen watts (17 W) if it is a
31 refrigerator per foot of door frame width, then: the anti-sweat heat controls shall reduce the energy
32 use of the anti-sweat heater in an amount corresponding to the relative humidity in the air outside
33 the door or to the condensation on the inner-glass pane.

34 SECTION 3. 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 the provisions of chapter
8 27 of title 39, "The Energy and Consumer Savings Act of 2005", but only to the extent that any
9 products sold or installed in compliance with the provisions of chapter 27 of title 39 be replaced on
10 or after January 1, 2023, with products that are in accordance with the provisions of this chapter.

11 **39-27.1-2. Definitions.**

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

13 (1) The following definitions refer to "air purifiers":

14 (i) "Air purifier," also known as "room air cleaner," means an electric, cord-connected,
15 portable appliance with the primary function of removing particulate matter from the air and which
16 can be moved from room to room.

17 (ii) "Industrial air purifier" means an indoor air cleaning device manufactured, advertised,
18 marketed, labeled, and used solely for industrial use that is marketed solely through industrial
19 supply outlets or businesses and prominently labeled as "Solely for industrial use. Potential health
20 hazard: emits ozone.

21 (2) "Cold temperature fluorescent lamp" means a fluorescent lamp that is not a compact
22 fluorescent lamp that:

23 (i) Is specifically designed to start at minus twenty degrees Fahrenheit (-20°F) when used
24 with a ballast conforming to the requirements of ANSI C78.81 and ANSI C78.901; and

25 (ii) Is expressly designated as a cold temperature lamp both in markings on the lamp and
26 in marketing materials, including catalogs, sales literature, and promotional material.

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

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

1 fryers).

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

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

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

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

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

16 (10) "Electric vehicle supply equipment" means the conductors, including the ungrounded,
17 grounded, and equipment grounding conductors, the electric vehicle connectors, attachment plugs,
18 and all other fittings, devices, power outlets, or apparatuses installed specifically for the purpose of
19 delivering energy from the premises wiring to the electric vehicle. Charging cords with NEMA 5-
20 15P and NEMA 5-20P attachment plugs are considered electric vehicle supply equipment.
21 Excludes conductors, connectors, and fittings that are part of a vehicle.

22 (11) The following definitions refer to "faucets":

23 (i) "Faucet" means a private lavatory faucet, residential kitchen faucet, metering faucet,
24 public lavatory faucet, or replacement aerator for a private lavatory, public lavatory or residential
25 kitchen faucet.

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

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

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

32 (12) The following definitions refer to "gas fireplaces":

33 (i) "Decorative gas fireplace" means a vented fireplace, including appliances that are
34 freestanding, recessed, zero clearance, or a gas fireplace insert, that is fueled by natural gas or

1 propane, is marked for decorative use only, and is not equipped with a thermostat or intended for
2 use as a heater.

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

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

7 (13) "High color rendering index (CRI) fluorescent lamp" means a fluorescent lamp with
8 a color rendering index of eight-seven (87) or greater that is not a compact fluorescent lamp.

9 (14) "Impact-resistant fluorescent lamp" means a fluorescent lamp that is not a compact
10 fluorescent lamp that:

11 (i) Has a coating or equivalent technology that is compliant with NSF/ANSI 51 and is
12 designed to contain the glass if the glass envelope of the lamp is broken; and

13 (ii) Is designated and marketed for the intended application, with:

14 (A) The designation on the lamp packaging; and

15 (B) Marketing materials that identify the lamp as being impact-resistant, shatter-resistant,
16 shatterproof, or shatter-protected.

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

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

22 (17) The following definitions refer to "showerheads":

23 (i) "Showerhead" means a device through which water is discharged for a shower bath and
24 includes a hand-held showerhead but does not include a safety shower showerhead.

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

27 (18) The following definitions refer to "spray sprinkler bodies":

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

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

32 (19) "State-regulated general service lamp" means any of the following medium-based
33 incandescent light bulbs:

34 (i) Reflector lamps that are:

- 1 (A) ER30, BR30, BR40, or ER40 lamps rated at fifty watts (50W) or less;
- 2 (B) BR30, BR40, or ER40 lamps rated at sixty-five watts (65W); or
- 3 (C) R20 lamps rated at forty-five watts (45W) or less.
- 4 (ii) B, BA, CA, F and G shape lamps as defined in ANSI C79.1:2002 with a lumen output
- 5 of greater than or equal to two hundred (200) and rated at forty watts (40W) or less.
- 6 (iii) A and C shape lamps as defined in ANSI C79.1:2002 with lumen output greater than
- 7 or equal to two hundred (200) and less than three hundred ten (310).
- 8 (iv) Shatter-resistant lamps.
- 9 (v) Three (3) way lamps.
- 10 (20) The following definitions refer to "urinals" and "water closets":
- 11 (i) "Dual-flush effective flush volume" means the average flush volume of two (2) reduced
- 12 flushes and one full flush.
- 13 (ii) "Dual-flush water closet" means a water closet incorporating a feature that allows the
- 14 user to flush the water closet with either a reduced or a full volume of water.
- 15 (iii) "Plumbing fixture" means an exchangeable device, which connects to a plumbing
- 16 system to deliver and drain away water and waste.
- 17 (iv) "Trough-type urinal" means a urinal designed for simultaneous use by two (2) or more
- 18 persons.
- 19 (v) "Urinal" means a plumbing fixture that receives only liquid body waste and conveys
- 20 the waste through a trap into a drainage system.
- 21 (vi) "Water closet" means a plumbing fixture having a water-containing receptor that
- 22 receives liquid and solid body waste through an exposed integral trap into a drainage system.
- 23 (21) The following definitions refer to "water coolers":
- 24 (i) "Cold only units" dispense cold water only.
- 25 (ii) "Cook and cold units" dispense both cold and room-temperature water.
- 26 (iii) "Hot and cold units" dispense both hot and cold water. Provided further that certain
- 27 units also offer room-temperature water.
- 28 (iv) "On demand" means the water cooler heats water as it is requested, which typically
- 29 takes a few minutes to deliver.
- 30 (v) "Storage-type" means thermally conditioned water is stored in a tank in the water cooler
- 31 and is available instantaneously. Point-of-use, dry storage compartment, and bottled water coolers
- 32 are included in this category.
- 33 (vi) "Water cooler" means a freestanding device that consumes energy to cool and/or heat
- 34 potable water.

1 **39-27.1-3. Scope.**

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

3 (1) Air purifiers;

4 (2) Commercial dishwashers;

5 (3) Commercial fryers;

6 (4) Commercial hot-food holding cabinets;

7 (5) Commercial ovens;

8 (6) Commercial steam cookers;

9 (7) Computers and computer monitors;

10 (8) Electric vehicle supply equipment;

11 (9) Faucets;

12 (10) Gas fireplaces;

13 (11) High CRI, cold temperature, and impact-resistant fluorescent lamps;

14 (12) Portable electric spas;

15 (13) Residential ventilating fans;

16 (14) Showerheads;

17 (15) Spray sprinkler bodies;

18 (16) State-regulated general service lamps;

19 (17) Urinals;

20 (18) Water closets;

21 (19) Water coolers; and

22 (20) Any other products as may be designated by the commissioner in accordance with or
23 by operation of law.

24 (b) The provisions of this chapter do not apply to:

25 (1) New products manufactured in the state and sold outside the state;

26 (2) New products manufactured outside the state and sold at wholesale inside the state for
27 final retail sale and installation outside the state;

28 (3) Products installed in mobile manufactured homes at the time of construction; or

29 (4) Products designed expressly for installation and use in recreational vehicles.

30 **39-27.1-4. Standards.**

31 (a) Not later than one year after the date of enactment of this chapter, the commissioner
32 shall adopt regulations, in accordance with the provisions of chapter 35 of title 42, establishing
33 minimum efficiency standards for the types of new products set forth in § 39-27.1-3.

34 (b) The regulations shall provide for the following minimum efficiency standards:

1 (1) Air purifiers, except industrial air purifiers, shall meet the following requirements as
2 measured in accordance with the ENERGY STAR Program Requirements Product Specification
3 for Room Air Cleaners, Version 2.0:

4 (i) Clean air delivery rate for smoke shall be thirty (30) or greater;

5 (ii) For models with a clean air delivery rate for smoke less than one hundred (100), clean
6 air delivery rate per watt for smoke shall be greater than or equal to one and seven-tenths (1.7);

7 (iii) For models with a clean air delivery rate for smoke greater than or equal to one hundred
8 (100) and less than one hundred fifty (150), clean air delivery rate per watt for smoke shall be
9 greater than or equal to one and nine-tenths (1.9);

10 (iv) For models with a clean air delivery rate for smoke greater than or equal to one hundred
11 fifty (150), clean air delivery rate per watt for smoke shall be greater than or equal to two (2.0);

12 For ozone-emitting models, measured ozone shall be less than or equal to fifty parts per
13 billion (50 ppb);

14 (v) For models with a Wi-Fi network connection enabled by default when shipped, partial
15 on mode power shall not exceed two watts (2W); and

16 (vi) For models without a Wi-Fi network connection enabled by default when shipped,
17 partial on mode power shall not exceed one watt (1W).

18 (2) Commercial dishwashers included in the scope of the ENERGY STAR Program
19 Requirements Product Specification for Commercial Dishwashers, Version 2.0, shall meet the
20 qualification criteria of that specification.

21 (3) Commercial fryers included in the scope of the ENERGY STAR Program
22 Requirements Product Specification for Commercial Fryers, Version 2.0, shall meet the
23 qualification criteria of that specification.

24 (4) Commercial hot-food holding cabinets shall meet the qualification criteria of the
25 ENERGY STAR Program Requirements Product Specification for Commercial Hot Food Holding
26 Cabinets, Version 2.0.

27 (5) Commercial ovens included in the scope of the ENERGY STAR Program
28 Requirements Product Specification for Commercial Ovens, Version 2.2, shall meet the
29 qualification criteria of that specification.

30 (6) Commercial steam cookers shall meet the requirements of the ENERGY STAR
31 Program Requirements Product Specification for Commercial Steam Cookers, Version 1.2.

32 (7) Computers and computer monitors shall meet the requirements of The National
33 Appliance Energy Conservation Act 42 U.S.C. § 6291 et seq.

34 (8) Electric vehicle supply equipment included in the scope of the ENERGY STAR

1 [Program Requirements Product Specification for Electric Vehicle Supply Equipment, Version 1.0](#)
2 [\(Rev. Apr-2017\), shall meet the qualification criteria of that specification.](#)

3 [\(9\) Faucets, except for metering faucets, shall meet the standards shown in this subsection](#)
4 [when tested in accordance with Appendix S to Subpart B of Part 430 of Title 10 of the Code of](#)
5 [Federal Regulations and compliance with those requirements shall be -- "Uniform Test Method for](#)
6 [Measuring the Water Consumption of Faucets and Showerheads" -- as in effect on January 1, 2020.](#)

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

9 [\(ii\) Residential kitchen faucets and replacement aerators shall not exceed a maximum flow](#)
10 [rate of one and eight-tenths gallons per minute \(1.8 gpm\) at sixty pounds per square inch \(60 psi\),](#)
11 [with optional temporary flow of two and two-tenths gallons per minute \(2.2 gpm\), provided they](#)
12 [default to a maximum flow rate of one and eight-tenths gallons per minute \(1.8 gpm\) at sixty pounds](#)
13 [per square inch \(60 psi\) after each use.](#)

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

16 [\(10\) Gas fireplaces shall comply with the following requirements:](#)

17 [\(i\) Gas fireplaces shall be capable of automatically extinguishing any pilot flame when the](#)
18 [main gas burner flame is established and when it is extinguished;](#)

19 [\(ii\) Gas fireplaces must prevent any ignition source for the main gas burner flame from](#)
20 [operating continuously for more than seven \(7\) days;](#)

21 [\(iii\) Decorative gas fireplaces must have a direct vent configuration, unless marked for](#)
22 [replacement use only; and,](#)

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

26 [\(11\) High CRI, cold temperature, and impact-resistant fluorescent lamps shall meet the](#)
27 [minimum efficacy requirements contained in Section 430.32\(n\)\(4\) of Title 10 of the Code of](#)
28 [Federal Regulations as in effect on January 1, 2020, as measured in accordance with Appendix R](#)
29 [to Subpart B of Part 430 of Title 10 of the Code of Federal Regulations -- "Uniform Test Method](#)
30 [for Measuring Average Lamp Efficacy \(LE\), Color Rendering Index \(CRI\), and Correlated Color](#)
31 [Temperature \(CCT\) of Electric Lamps" -- as in effect on January 1, 2020.](#)

32 [\(12\) Portable electric spas shall meet the requirements of the "American National Standard](#)
33 [for Portable Electric Spa Energy Efficiency" \(ANSI/APSP/ICC 14-2019\).](#)

34 [\(13\) In-line residential ventilating fans shall have a fan motor efficacy of no less than two](#)

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

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

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

15 (16) State-regulated general service lamps shall meet or exceed a lamp efficacy of forty-
16 five (45) lumens per watt, when tested in accordance with the federal test procedures for general
17 service lamps, prescribed in Section 430.23(gg) of Title 10 of the Code of Federal Regulations as
18 in effect on January 1, 2020.

19 (17) Urinals and water closets, other than those designed and marketed exclusively for use
20 at prisons or mental health facilities, shall meet the standards shown in subsections (b)(1) through
21 (b)(4) of this section when tested in accordance with Appendix T to Subpart B of Part 430 of Title
22 10 of the Code of Federal Regulations -- "Uniform Test Method for Measuring the Water
23 Consumption of Water Closets and Urinals"-- as in effect on January 1, 2020, and water closets
24 shall pass the waste extraction test for water closets (Section 7.9) of the American Society of
25 Mechanical Engineers (ASME) A112.19.2/CSA B45.1-2018.

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

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

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

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

34 (18) Water coolers included in the scope of the ENERGY STAR Program Requirements

1 Product Specification for Water Coolers, Version 2.0, shall have on mode with no water draw
2 energy consumption less than or equal the following values as measured in accordance with the
3 test requirements of that program:

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

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

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

10 **39-27.1-5. Implementation.**

11 (a) On or after January 1, 2023, no new air purifier, cold temperature fluorescent lamp,
12 commercial dishwasher, commercial fryer, commercial hot-food holding cabinet, commercial
13 oven, commercial steam cooker, computer or computer monitor, electrical vehicle supply
14 equipment, faucet, gas fireplace, high CRI fluorescent lamp, impact-resistant fluorescent lamp,
15 portable electric spa, residential ventilating fan, showerhead, spray sprinkler body, state-regulated
16 general service lamp, urinal, water closet, or water cooler may be sold or offered for sale, lease, or
17 rent in the state unless the new product meets the requirements of the standards provided in § 39-
18 27.1-5.

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

23 **39-27.1-6. New and revised standards.**

24 The commissioner may adopt regulations, in accordance with the provisions of chapter 32
25 of title 45, to establish increased efficiency standards for the products listed or incorporated in §
26 39-27.1-3. The commissioner may also establish standards for products not specifically listed in §
27 39-27.1-3. In considering such new or amended standards, the commissioner shall set efficiency
28 standards upon a determination that increased efficiency standards would serve to promote energy
29 or water conservation in the state and would be cost effective for consumers who purchase and use
30 such new products; provided that, no new or increased efficiency standards shall become effective
31 within one year following the adoption of any amended regulations establishing such increased
32 efficiency standards.

33 **39-27.1-7. Testing; Certification; Labeling; Enforcement.**

34 (a) The manufacturers of products covered by this chapter shall test samples of their

1 products in accordance with the test procedures adopted pursuant to this chapter. The commissioner
2 may adopt updated test methods when new versions of test procedures become available.

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

8 (c) Manufacturers of new products covered by § 39-27.1-3 shall identify each product
9 offered for sale or installation in the state as in compliance with the provisions of this chapter by
10 means of a mark, label, or tag on the product and packaging at the time of sale or installation. The
11 commissioner shall promulgate regulations governing the identification of such products and
12 packaging, which shall be coordinated to the greatest practical extent with the labeling programs
13 of other states and federal agencies with equivalent efficiency standards. The commissioner shall
14 allow the use of existing marks, labels, or tags, which connote compliance with the efficiency
15 requirements of this chapter.

16 (d) The commissioner may test products covered by § 39-27.1-3. If products so tested are
17 found not to be in compliance with the minimum efficiency standards established under § 39-27.1-
18 4, the commissioner shall:

19 (1) Charge the manufacturer of such product for the cost of product purchase and testing;
20 and

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

23 (e) With prior notice and at reasonable and convenient hours, the commissioner may cause
24 periodic inspections to be made of distributors or retailers of new products covered by § 39-27.1-3
25 in order to determine compliance with the provisions of this chapter. The commissioner shall also
26 coordinate with the state building code standards committee regarding inspections prior to
27 occupancy of newly constructed buildings containing new products that are also covered by chapter
28 27.3 of title 23.

29 (f) The commissioner shall investigate complaints received concerning violations of this
30 chapter and shall report the results of such investigations to the attorney general. The attorney
31 general may institute proceedings to enforce the provisions of this chapter. Any manufacturer,
32 distributor, or retailer, or any person who installs a product covered by this chapter for
33 compensation, who violates any provision of this chapter shall be issued a warning by the
34 commissioner for any first violation and subject to a civil penalty of up to one hundred dollars

1 (\$100) for each offense. Repeat violations shall be subject to a civil penalty of not more than five
2 hundred dollars (\$500) for each offense. Each violation shall constitute a separate offense, and each
3 day that such violation continues shall constitute a separate offense. Penalties assessed under this
4 subsection are in addition to costs assessed under subsection (d) of this section.

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

7 **39-27.1-8. Severability.**

8 If any provision of this chapter or the application thereof to any person or circumstances is
9 held invalid, such invalidity shall not affect other provisions or applications of the chapter, which
10 can be given effect without the invalid provision or application, and to this end the provisions of
11 this chapter are declared to be severable.

12 **39-27.1-9. Effective Date.**

13 This act shall take effect upon passage, and shall be construed to supersede the provisions
14 of chapter 27 of title 39, "The Energy and Consumer Savings Act of 2005", to the extent that any
15 products sold or installed in compliance with the provisions of chapter 27 of title 39 be replaced on
16 or after January 1, 2023, with products that are in accordance with the provisions of this chapter.

17 SECTION 4. This act shall take effect upon passage.

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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

- 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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