

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1615 Session of 2023

INTRODUCED BY O'MARA, MEHAFFIE, GUENST, SANCHEZ, MADDEN, SCHLOSSBERG, DELLOSO, HILL-EVANS, FIEDLER, HOWARD, KHAN, SAPPEY, STEELE, OTTEN, MALAGARI, RABB, T. DAVIS, SHUSTERMAN, KINKEAD, MULLINS, HOHENSTEIN, INNAMORATO, BENHAM, McNEILL, SCOTT, VITALI, PROBST, DEASY, BOROWSKI, HARKINS, SOLOMON, BRIGGS, SAMUELSON, SALISBURY, BURGOS, ISAACSON, DALEY, STURLA, GALLOWAY, KRAJEWSKI, BOYLE, KIM, FLEMING, D. WILLIAMS, GREEN, FRANKEL, BRENNAN, N. NELSON, FREEMAN, MUNROE, SIEGEL, SCHWEYER, MADSEN, WAXMAN, CEPHAS, CONKLIN AND DONAHUE, AUGUST 10, 2023

AS REPORTED FROM COMMITTEE ON CONSUMER PROTECTION, TECHNOLOGY AND UTILITIES, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 30, 2024

AN ACT

1 ~~Amending Title 66 (Public Utilities) of the Pennsylvania~~ <--
2 ~~Consolidated Statutes, in public utility code, providing for~~
3 ~~minimum energy and water efficiency standards for certain~~
4 ~~products sold in this Commonwealth; imposing penalties; and~~
5 ~~making repeals.~~

6 PROVIDING FOR MINIMUM ENERGY AND WATER EFFICIENCY STANDARDS FOR <--
7 CERTAIN PRODUCTS SOLD IN THIS COMMONWEALTH; IMPOSING
8 PENALTIES; AND MAKING REPEALS.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 ~~Section 1. Part I of Title 66 of the Pennsylvania~~ <--
12 ~~Consolidated Statutes is amended by adding a chapter to read:~~

CHAPTER 34

MINIMUM ENERGY AND WATER EFFICIENCY STANDARDS FOR
CERTAIN PRODUCTS SOLD IN THIS COMMONWEALTH

16 Sec.

1 ~~3401. Short title of chapter.~~

2 ~~3402. General purpose, legislative findings and scope of~~
3 ~~chapter.~~

4 ~~3403. Definitions.~~

5 ~~3404. Standards.~~

6 ~~3405. Implementation.~~

7 ~~3406. New and revised standards and regulations.~~

8 ~~3407. Testing, certification, labeling and enforcement.~~

9 ~~§ 3401. Short title of chapter.~~

10 ~~This chapter shall be known and may be cited as the~~
11 ~~Pennsylvania Energy and Water Efficiency Standards Act.~~

12 ~~§ 3402. General purpose, legislative findings and scope of~~
13 ~~chapter.~~

14 ~~(a) General purpose. This chapter establishes minimum~~
15 ~~energy and water efficiency standards for certain products sold~~
16 ~~or installed in this Commonwealth.~~

17 ~~(b) Legislative findings. The General Assembly finds that:~~

18 ~~(1) Efficiency standards for certain products sold or~~
19 ~~installed in this Commonwealth assure consumers and~~
20 ~~businesses that the products meet minimum efficiency~~
21 ~~performance levels, resulting in reduced energy and water~~
22 ~~waste and saving consumers and businesses money on utility~~
23 ~~bills.~~

24 ~~(2) Efficiency standards contribute to the economy of~~
25 ~~this Commonwealth by helping to better balance supply and~~
26 ~~demand for both energy and water, resulting in reduced~~
27 ~~pressure that creates higher natural gas, electricity and~~
28 ~~water prices. By saving consumers and businesses money on~~
29 ~~utility bills, efficiency standards help the Commonwealth and~~
30 ~~local economy save on utility bills that can be spent on~~

1 ~~local goods and services.~~

2 ~~(3) The efficiency standards save energy and thus reduce~~
3 ~~pollution and other environmental impacts associated with the~~
4 ~~production, distribution and use of electricity, natural gas~~
5 ~~and other fuels.~~

6 ~~(4) The water efficiency standards save water and thus~~
7 ~~reduce the strain on the water supply. Improved water~~
8 ~~efficiency can reduce or delay the need for water and sewer~~
9 ~~infrastructure improvements.~~

10 ~~(5) The efficiency standards can make electricity and~~
11 ~~natural gas systems more reliable by reducing the strain on~~
12 ~~systems during peak demand periods. Improved efficiency can~~
13 ~~reduce or delay the need for new power plants, power~~
14 ~~transmission lines and power distribution system upgrades as~~
15 ~~well as new and expanded gas pipelines.~~

16 ~~(c) Scope. The provisions of this chapter apply to:~~

17 ~~(1) Commercial dishwashers.~~

18 ~~(2) Commercial fryers.~~

19 ~~(3) Commercial hot food holding cabinets.~~

20 ~~(4) Commercial ovens.~~

21 ~~(5) Commercial steam cookers.~~

22 ~~(6) Faucets.~~

23 ~~(7) Gas fireplaces.~~

24 ~~(8) High CRI, cold temperature and impact resistant~~
25 ~~fluorescent lamps.~~

26 ~~(9) Portable electric spas.~~

27 ~~(10) Residential ventilating fans.~~

28 ~~(11) Showerheads.~~

29 ~~(12) Spray sprinkler bodies.~~

30 ~~(13) Urinals.~~

1 ~~(14) Water closets.~~

2 ~~(15) Water coolers.~~

3 ~~(16) Any other products as may be designated by the~~
4 ~~chairperson in accordance with this section or by operation~~
5 ~~of law under section 3407 (relating to testing,~~
6 ~~certification, labeling and enforcement).~~

7 ~~(d) Limitation. Nothing in this chapter may be construed to~~
8 ~~apply to:~~

9 ~~(1) New products manufactured in this Commonwealth and~~
10 ~~sold outside of this Commonwealth.~~

11 ~~(2) New products manufactured outside of this~~
12 ~~Commonwealth and sold at wholesale inside this Commonwealth~~
13 ~~for final retail sale and installation outside of this~~
14 ~~Commonwealth.~~

15 ~~(3) Products installed in mobile manufactured homes at~~
16 ~~the time of construction.~~

17 ~~(4) Products designed expressly for installation and use~~
18 ~~in recreational vehicles.~~

19 ~~§ 3403. Definitions.~~

20 ~~The following words and phrases when used in this chapter~~
21 ~~shall have the meanings given to them in this section unless the~~
22 ~~context clearly indicates otherwise:~~

23 ~~"Chairperson." The chairperson of the commission.~~

24 ~~"Cold only units." A water cooler that emits cold water~~
25 ~~only.~~

26 ~~"Cold temperature fluorescent lamp." A fluorescent lamp that~~
27 ~~is not a compact fluorescent lamp that:~~

28 ~~(1) is specifically designed to start at 20°F when used~~
29 ~~with a ballast conforming to the requirements of ANSI C78.81~~
30 ~~and ANSI C78.901; and~~

1 ~~(2) is expressly designated as a cold temperature lamp~~
2 ~~both in markings on the lamp and in marketing materials,~~
3 ~~including catalogs, sales literature and promotional~~
4 ~~material.~~

5 ~~"Commercial dishwasher." A machine designed to clean and~~
6 ~~sanitize plates, pots, pans, glasses, cups, bowls, utensils and~~
7 ~~trays by applying sprays of detergent solution, with or without~~
8 ~~blasting media granules, and a sanitizing rinse.~~

9 ~~"Commercial fryer." An appliance, including a cooking~~
10 ~~vessel, in which oil is placed to such a depth that the cooking~~
11 ~~food is essentially supported by displacement of the cooking~~
12 ~~fluid rather than by the bottom of the vessel. Heat is delivered~~
13 ~~to the cooking fluid by means of an immersed electric element or~~
14 ~~band wrapped vessel electric fryers or by heat transfer from gas~~
15 ~~burners through either the walls of the fryer or through tubes~~
16 ~~passing through the cooking fluid.~~

17 ~~"Commercial hot food holding cabinet." A heated, fully~~
18 ~~enclosed compartment with one or more solid or transparent~~
19 ~~doors, designed to maintain the temperature of hot food that has~~
20 ~~been cooked using a separate appliance. The term does not~~
21 ~~include heated glass merchandizing cabinets, drawer warmers or~~
22 ~~cook and hold appliances.~~

23 ~~"Commercial oven." A chamber designed for heating, roasting~~
24 ~~or baking food by conduction, convection, radiation or~~
25 ~~electromagnetic energy.~~

26 ~~"Commercial steam cooker" or "compartment steamer." A device~~
27 ~~with one or more food steaming compartments in which the energy~~
28 ~~in the steam is transferred to the food by direct contact. The~~
29 ~~term may include countertop models, wall mounted models and~~
30 ~~floor models mounted on a stand, pedestal or cabinet style base.~~

1 ~~"Compensation." Money or any other source of value,~~
2 ~~regardless of form, received or to be received by a person for~~
3 ~~services rendered.~~

4 ~~"Cook and cold units." A water cooler that emits both cold~~
5 ~~and room temperature water.~~

6 ~~"Decorative gas fireplace." A vented fireplace, including an~~
7 ~~appliance that is freestanding, recessed, zero clearance or a~~
8 ~~gas fireplace insert, that is fueled by natural gas or propane,~~
9 ~~is marked for decorative use only and is not equipped with a~~
10 ~~thermostat or intended for use as a heater.~~

11 ~~"Dual flush effective flush volume." The average flush~~
12 ~~volume of two reduced flushes and one full flush.~~

13 ~~"Dual flush water closet." A water closet incorporating a~~
14 ~~feature that allows the user to flush the water closet with~~
15 ~~either a reduced or full volume of water.~~

16 ~~"EPA." The United States Environmental Protection Agency.~~

17 ~~"Faucet." A private lavatory faucet, residential kitchen~~
18 ~~faucet, metering faucet, public lavatory faucet or replacement~~
19 ~~aerator for a private lavatory, public lavatory or residential~~
20 ~~kitchen faucet.~~

21 ~~"Gas fireplace." A decorative gas fireplace or heating gas~~
22 ~~fireplace.~~

23 ~~"Hand held showerhead." A showerhead that can be held or~~
24 ~~fixed in place for the purpose of spraying water onto a bather~~
25 ~~and that is connected to a flexible hose.~~

26 ~~"Heating gas fireplace." A vented fireplace, including an~~
27 ~~appliance that is freestanding, recessed, zero clearance or a~~
28 ~~gas fireplace insert, that is fueled by natural gas or propane~~
29 ~~and which is not a decorative fireplace.~~

30 ~~"High color rendering index (CRI) fluorescent lamp." A~~

1 ~~fluorescent lamp with a color rendering index of 87 or greater~~
2 ~~that is not a compact fluorescent lamp.~~

3 ~~"Hot and cold units." A water cooler that emits both hot and~~
4 ~~cold water. The term includes a cooler that emits room~~
5 ~~temperature water.~~

6 ~~"Impact resistant fluorescent lamp." A fluorescent lamp that~~
7 ~~is not a compact fluorescent lamp that:~~

8 ~~(1) has a coating or equivalent technology that is~~
9 ~~compliant with NSF/ANSI 51 and is designed to contain the~~
10 ~~glass if the glass envelope of the lamp is broken; and~~

11 ~~(2) is designated and marketed for the intended~~
12 ~~application with:~~

13 ~~(i) the designation on the lamp packaging; and~~

14 ~~(ii) marketing materials that identify the lamp as~~
15 ~~being impact resistant, shatter resistant, shatter proof~~
16 ~~or shatter protected.~~

17 ~~"Metering faucet." A self closing faucet that dispenses a~~
18 ~~specific volume of water for each actuation cycle. For the~~
19 ~~purpose of this definition, the volume or cycle duration can be~~
20 ~~fixed or adjustable.~~

21 ~~"Plumbing fixture." An exchangeable device that connects to~~
22 ~~a plumbing system to deliver and drain away water and waste.~~

23 ~~"Portable electric spa." A factory built electric spa or hot~~
24 ~~tub that is supplied with equipment for heating and circulating~~
25 ~~water at the time of sale or sold separately for subsequent~~
26 ~~attachment.~~

27 ~~"Pressure regulator." A device that maintains constant~~
28 ~~operating pressure immediately downstream from the device, given~~
29 ~~higher pressure upstream.~~

30 ~~"Public lavatory faucet." A fitting intended to be installed~~

1 ~~in nonresidential bathrooms that are exposed to walk in traffic.~~

2 ~~"Replacement aerator." An aerator sold as a replacement,~~
3 ~~separate from the faucet to which it is intended to be attached.~~

4 ~~"Residential ventilating fan." A ceiling mounted or wall-~~
5 ~~mounted fan or remotely mounted in line fan designed to be used~~
6 ~~in a bathroom or utility room, whose purpose is to move air from~~
7 ~~inside the building to the outdoors.~~

8 ~~"Showerhead." A component or set of components distributed~~
9 ~~in commerce for attachment to a single supply fitting for~~
10 ~~spraying water onto a bather, typically from an overhead~~
11 ~~position. The term does not include a safety showerhead.~~

12 ~~"Spray sprinkler body." The exterior case or shell of a~~
13 ~~sprinkler incorporating a means of connection to the piping~~
14 ~~system designed to convey water to a nozzle or orifice.~~

15 ~~"Storage type." The storage of thermally conditioned water~~
16 ~~in a reservoir in the water cooler that is available~~
17 ~~instantaneously. The term includes point of use, dry storage~~
18 ~~compartment and bottled water coolers.~~

19 ~~"Trough type urinal." A urinal designed for simultaneous use~~
20 ~~by two or more individuals.~~

21 ~~"Urinal." A plumbing fixture that receives only liquid body~~
22 ~~waste and conveys the waste through a trap into a drainage~~
23 ~~system.~~

24 ~~"Water closet." A plumbing fixture having a water containing~~
25 ~~receptor that receives liquid and solid body waste through an~~
26 ~~exposed integral trap into a drainage system.~~

27 ~~"Water cooler." A freestanding device that consumes energy~~
28 ~~to cool or heat potable water.~~

29 ~~§ 3404. Standards.~~

30 ~~(a) Regulations. Not later than one year after the~~

1 ~~effective date of this subsection, the chairperson, in~~
2 ~~consultation with the Secretary of Environmental Protection,~~
3 ~~shall promulgate regulations, in accordance with the provisions~~
4 ~~of section 502 of the act of June 28, 1995 (P.L.89, No.18),~~
5 ~~known as the Conservation and Natural Resources Act,~~
6 ~~establishing minimum efficiency standards for the types of new~~
7 ~~products set forth in section 3402 (relating to general purpose,~~
8 ~~legislative findings and scope of chapter).~~

9 ~~(b) Minimum standards. The regulations shall provide for~~
10 ~~the following minimum efficiency standards:~~

11 ~~(1) Commercial dishwashers included in the scope of~~
12 ~~version 2.0 of the EPA's "Energy Star Program Requirements~~
13 ~~Product Specification for Commercial Dishwashers" shall meet~~
14 ~~the qualification criteria of that specification.~~

15 ~~(2) Commercial fryers included in the scope of version~~
16 ~~2.0 of the EPA's "Energy Star Program Requirements Product~~
17 ~~Specification for Commercial Fryers" shall meet the~~
18 ~~qualification criteria of that specification.~~

19 ~~(3) Commercial hot food holding cabinets shall meet the~~
20 ~~qualification criteria of version 2.0 of the EPA's "Energy~~
21 ~~Star Program Requirements Product Specification for~~
22 ~~Commercial Hot Food Holding Cabinets."~~

23 ~~(4) Commercial ovens included in the scope of version~~
24 ~~2.2 of the EPA's "Energy Star Program Requirements Product~~
25 ~~Specification for Commercial Ovens" shall meet the~~
26 ~~qualification criteria of that specification.~~

27 ~~(5) Commercial steam cookers shall meet the requirements~~
28 ~~of version 1.2 of the EPA's "Energy Star Program Requirements~~
29 ~~Product Specification for Commercial Steam Cookers."~~

30 ~~(6) Faucets, except for metering faucets, shall meet the~~

~~following standards when tested in accordance with 10 CFR Pt. 430 Appendix S to Subpt. B (relating to uniform test method for measuring the water consumption of faucets and showerheads):~~

~~(i) Private lavatory faucets and replacement aerators may not exceed a maximum flow rate of 1.5 gallons per minute (gpm) at 60 pounds per square inch (psi).~~

~~(ii) Residential kitchen faucets and replacement aerators may not exceed a maximum flow rate of 1.8 gpm at 60 psi, with optional temporary flow of 2.2 gpm, provided they default to a maximum flow rate of 1.8 gpm at 60 psi after each use.~~

~~(iii) Public lavatory faucets and replacement aerators may not exceed a maximum flow rate of 0.5 gpm at 60 psi.~~

~~(7) Gas fireplaces shall comply with the following requirements:~~

~~(i) Gas fireplaces shall be capable of automatically extinguishing a pilot flame when the main gas burner flame is extinguished.~~

~~(ii) Gas fireplaces shall prevent an ignition source for the main gas burner flame from operating continuously for more than seven days from last use of the main gas burner.~~

~~(iii) Heating gas fireplaces shall have a fireplace efficiency equal to or greater than 50% when tested in accordance with CSA P.4.1:15, "Testing Method For Measuring Fireplace Efficiency," as amended or revised.~~

~~(8) High CRI, cold temperature and impact resistant~~

~~fluorescent lamps shall meet the minimum efficiency requirements contained in 10 CFR 430.32(n)(4) (relating to energy and water conservation standards and their compliance dates) in effect on January 1, 2023, as measured in accordance with 10 CFR Pt. 430 Appendix R to Subpt. B (relating to uniform test method for measuring electrical and photometric characteristics of general service fluorescent lamps, incandescent reflector lamps, and general service incandescent lamps) in effect on January 1, 2023.~~

~~(9) Portable electric spas shall meet the requirements contained in ANSI/APSP/ICC 14-2019, the American National Standard for Portable Electric Spa Energy Efficiency.~~

~~(10) In-line residential ventilating fans shall have a fan motor efficacy of no less than 2.8 cubic feet per minute per watt. All other residential ventilating fans shall have a fan motor efficacy of no less than 1.4 cubic feet per minute per watt for airflows less than 90 cubic feet per minute and no less than 2.8 cubic feet per minute per watt for other airflows when tested in accordance with Home Ventilation Institute Publication 916 "HVI Airflow Test Procedure."~~

~~(11) Showerheads may not exceed a maximum flow rate of 1.8 gpm at 80 psi when tested in accordance with 10 CFR Pt. 430 Appendix S to Subpt. B in effect on January 1, 2023.~~

~~(12) Spray sprinkler bodies that are not specifically excluded from the scope of version 1.0 of the EPA's "WaterSense Specification for Spray Sprinkler Bodies," shall include an integral pressure regulator and shall meet the water efficiency and performance criteria and other requirements of that specification.~~

~~(13) Water closets shall pass the waste extraction test~~

~~for water closets under section 7.9 of the American Society of Mechanical Engineers (ASME) contained in A112.19.2/CSA B45.1 of 2018. Urinals and water closets, other than those designed and marketed exclusively for use at prisons or mental health facilities, shall meet the following standards when tested in accordance with 10 CFR Pt. 430 Appendix T to Subpt. B (relating to uniform test method for measuring the water consumption of water closets and urinals):~~

~~(i) Wall mounted urinals, except for trough type urinals, shall have a maximum flush volume of 0.5 gallons per flush.~~

~~(ii) Floor mounted urinals, except for trough type urinals, shall have a maximum flush volume of 0.5 gallons per flush.~~

~~(iii) Water closets, except for dual flush tank type water closets, shall have a maximum flush volume of 1.28 gallons per flush.~~

~~(iv) Dual flush tank type water closets shall have a maximum dual flush effective flush volume of 1.28 gallons per flush.~~

~~(14) Water coolers included in the scope of the EPA's version 2.0 "Energy Star Program Requirements Product Specification for Water Coolers" shall have an on mode with no water draw and energy consumption less than or equal to the following values as measured in accordance with the test requirements of that program:~~

~~(i) 0.16 kilowatt hours per day for cold only units and cook and cold units;~~

~~(ii) 0.87 kilowatt hours per day for storage type hot and cold units; and~~

1 ~~(iii) 0.18 kilowatt hours per day for on demand hot~~
2 ~~and cold units.~~

3 ~~§ 3405. Implementation.~~

4 ~~(a) Requirement of efficiency. Except as provided in~~
5 ~~subsection (b), on or after July 1, 2025, no new device listed~~
6 ~~under section 3402(c) (relating to general purpose, legislative~~
7 ~~findings and scope of chapter) may be sold or offered for sale,~~
8 ~~lease or rent in this Commonwealth unless the efficiency of the~~
9 ~~new product meets or exceeds the efficiency standards provided~~
10 ~~in section 3404 (relating to standards).~~

11 ~~(b) Restriction on installation. One year after the date on~~
12 ~~which the sale or offering for sale of certain products becomes~~
13 ~~subject to the requirements of subsection (a), no products may~~
14 ~~be installed for compensation in this Commonwealth unless the~~
15 ~~efficiency of the new product meets or exceeds the efficiency~~
16 ~~standards provided in section 3404.~~

17 ~~§ 3406. New and revised standards and regulations.~~

18 ~~The commission shall prescribe rules and regulations as it~~
19 ~~deems necessary to administer and enforce this chapter and to~~
20 ~~establish increased efficiency standards for the products listed~~
21 ~~or incorporated in section 3402 (relating to general purpose,~~
22 ~~legislative findings and scope of chapter). The chairperson may~~
23 ~~also establish standards for products not specifically listed in~~
24 ~~section 3402. In considering the new or amended standards, the~~
25 ~~chairperson, in consultation with the Secretary of Environmental~~
26 ~~Protection, shall set efficiency standards on a determination~~
27 ~~that increased efficiency standards would serve to promote~~
28 ~~energy or water conservation in this Commonwealth and would be~~
29 ~~cost effective for consumers who purchase and use the new~~
30 ~~products, provided that no new or increased efficiency standards~~

1 ~~shall become effective within one year following the adoption of~~
2 ~~any amended regulations establishing increased efficiency~~
3 ~~standards.~~

4 ~~§ 3407. Testing, certification, labeling and enforcement.~~

5 ~~(a) Product testing. The manufacturer of products covered~~
6 ~~by this chapter shall test samples of their products in~~
7 ~~accordance with the test procedures adopted under this chapter.~~
8 ~~The chairperson may adopt updated test methods when new versions~~
9 ~~of test procedures become available.~~

10 ~~(b) Compliance. Manufacturers of new products covered by~~
11 ~~section 3402 (relating to general purpose, legislative findings~~
12 ~~and scope of chapter) shall certify to the chairperson, or to an~~
13 ~~approved third party as determined by the chairperson, that the~~
14 ~~products are in compliance with the provisions of this chapter.~~
15 ~~The certifications shall be based on test results under~~
16 ~~subsection (a). The commission shall promulgate regulations~~
17 ~~governing the certification of the products and shall coordinate~~
18 ~~with the certification programs of other Federal and state~~
19 ~~agencies with similar standards.~~

20 ~~(c) Compliance mark, label or tag on product. Manufacturers~~
21 ~~of new products covered under section 3402 shall identify each~~
22 ~~product offered for sale or installation in this Commonwealth as~~
23 ~~in compliance with the provisions of this chapter by means of a~~
24 ~~mark, label or tag on the product or packaging at the time of~~
25 ~~sale or installation. The commission shall promulgate~~
26 ~~regulations governing the identification of the products or~~
27 ~~packaging, which shall be coordinated to the greatest practical~~
28 ~~extent with the labeling programs of other Federal and state~~
29 ~~agencies with equivalent efficiency standards. The chairperson~~
30 ~~shall allow the use of existing marks, labels or tags, which~~

1 ~~connote compliance with the efficiency requirements of this~~
2 ~~chapter.~~

3 ~~(d) Chairperson testing permitted. The chairperson may test~~
4 ~~products covered by section 3402. If tested products are found~~
5 ~~not to be in compliance with the minimum efficiency standards~~
6 ~~established under section 3404 (relating to standards), the~~
7 ~~chairperson shall:~~

8 ~~(1) charge the manufacturer of the product for the cost~~
9 ~~of product purchase and testing; and~~

10 ~~(2) make information available to the Attorney General~~
11 ~~and the public on products found not to be in compliance with~~
12 ~~the standards.~~

13 ~~(e) Periodic inspections. The chairperson may cause~~
14 ~~periodic inspections to be made of distributors or retailers of~~
15 ~~new products covered under section 3402 in order to determine~~
16 ~~compliance with the provisions of this chapter.~~

17 ~~(f) Complaint process. The chairperson shall investigate~~
18 ~~complaints received concerning violations of this chapter and~~
19 ~~shall report the results of the investigations to the Attorney~~
20 ~~General. The Attorney General may institute proceedings to~~
21 ~~enforce the provisions of this chapter. A manufacturer,~~
22 ~~distributor or retailer, or a person who installs a product~~
23 ~~covered by this chapter for compensation, who violates any~~
24 ~~provision of this chapter shall be issued a warning by the~~
25 ~~chairperson for any first violation. A manufacturer, distributor~~
26 ~~or retailer or a person who violates the provisions of this~~
27 ~~chapter after the issuance of a warning by the chairperson for a~~
28 ~~first violation shall be subject to a civil penalty of up to~~
29 ~~\$100 for each offense. Repeat violations shall be subject to a~~
30 ~~civil penalty of not more than \$500 for each offense. Each~~

1 ~~violation shall constitute a separate offense and each day the~~
2 ~~violation continues shall constitute a separate offense.~~
3 ~~Penalties assessed under this subsection are in addition to~~
4 ~~costs assessed under subsection (d).~~

5 ~~Section 2. All regulations and parts of regulations are~~
6 ~~abrogated to the extent of any inconsistency with the provisions~~
7 ~~of this act.~~

8 ~~Section 3. All acts and parts of acts are repealed insofar~~
9 ~~as they are inconsistent with the provisions of this act.~~

10 ~~Section 4. This act shall take effect in 60 days.~~

11 SECTION 1. SHORT TITLE.

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12 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE PENNSYLVANIA
13 ENERGY AND WATER EFFICIENCY STANDARDS ACT.

14 SECTION 2. GENERAL PURPOSE, LEGISLATIVE FINDINGS AND SCOPE.

15 (A) GENERAL PURPOSE.--THIS ACT ESTABLISHES MINIMUM ENERGY
16 AND WATER EFFICIENCY STANDARDS FOR CERTAIN PRODUCTS SOLD OR
17 INSTALLED IN THIS COMMONWEALTH.

18 (B) LEGISLATIVE FINDINGS.--THE GENERAL ASSEMBLY FINDS THAT:

19 (1) EFFICIENCY STANDARDS FOR CERTAIN PRODUCTS SOLD OR
20 INSTALLED IN THIS COMMONWEALTH ASSURE CONSUMERS AND
21 BUSINESSES THAT THE PRODUCTS MEET MINIMUM EFFICIENCY
22 PERFORMANCE LEVELS, RESULTING IN REDUCED ENERGY AND WATER
23 WASTE AND SAVING CONSUMERS AND BUSINESSES MONEY ON UTILITY
24 BILLS.

25 (2) EFFICIENCY STANDARDS CONTRIBUTE TO THE ECONOMY OF
26 THIS COMMONWEALTH BY HELPING TO BETTER BALANCE SUPPLY AND
27 DEMAND FOR BOTH ENERGY AND WATER, RESULTING IN REDUCED
28 PRESSURE THAT CREATES HIGHER NATURAL GAS, ELECTRICITY AND
29 WATER PRICES. BY SAVING CONSUMERS AND BUSINESSES MONEY ON
30 UTILITY BILLS, EFFICIENCY STANDARDS HELP THE COMMONWEALTH AND

1 LOCAL ECONOMY SAVE ON UTILITY BILLS THAT CAN BE SPENT ON
2 LOCAL GOODS AND SERVICES.

3 (3) THE EFFICIENCY STANDARDS SAVE ENERGY AND THUS REDUCE
4 POLLUTION AND OTHER ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE
5 PRODUCTION, DISTRIBUTION AND USE OF ELECTRICITY, NATURAL GAS
6 AND OTHER FUELS.

7 (4) THE WATER EFFICIENCY STANDARDS SAVE WATER AND THUS
8 REDUCE THE STRAIN ON THE WATER SUPPLY. IMPROVED WATER
9 EFFICIENCY CAN REDUCE OR DELAY THE NEED FOR WATER AND SEWER
10 INFRASTRUCTURE IMPROVEMENTS.

11 (5) THE EFFICIENCY STANDARDS CAN MAKE ELECTRICITY AND
12 NATURAL GAS SYSTEMS MORE RELIABLE BY REDUCING THE STRAIN ON
13 SYSTEMS DURING PEAK DEMAND PERIODS. IMPROVED EFFICIENCY CAN
14 REDUCE OR DELAY THE NEED FOR NEW POWER PLANTS, POWER
15 TRANSMISSION LINES AND POWER DISTRIBUTION SYSTEM UPGRADES AS
16 WELL AS NEW AND EXPANDED GAS PIPELINES.

17 (C) SCOPE.--THE PROVISIONS OF THIS ACT APPLY TO:

18 (1) COMMERCIAL DISHWASHERS.

19 (2) COMMERCIAL FRYERS.

20 (3) COMMERCIAL HOT-FOOD HOLDING CABINETS.

21 (4) COMMERCIAL OVENS.

22 (5) COMMERCIAL STEAM COOKERS.

23 (6) FAUCETS.

24 (7) GAS FIREPLACES.

25 (8) HIGH CRI, COLD-TEMPERATURE AND IMPACT-RESISTANT
26 FLUORESCENT LAMPS.

27 (9) PORTABLE ELECTRIC SPAS.

28 (10) RESIDENTIAL VENTILATING FANS.

29 (11) SHOWERHEADS.

30 (12) SPRAY SPRINKLER BODIES.

1 (13) URINALS.

2 (14) WATER CLOSETS.

3 (15) WATER COOLERS.

4 (D) LIMITATION.--NOTHING IN THIS ACT MAY BE CONSTRUED TO:

5 (1) APPLY TO NEW PRODUCTS MANUFACTURED IN THIS
6 COMMONWEALTH AND SOLD OUTSIDE OF THIS COMMONWEALTH.

7 (2) APPLY TO NEW PRODUCTS MANUFACTURED OUTSIDE OF THIS
8 COMMONWEALTH AND SOLD AT WHOLESALE INSIDE THIS COMMONWEALTH
9 FOR FINAL RETAIL SALE AND INSTALLATION OUTSIDE OF THIS
10 COMMONWEALTH.

11 (3) APPLY TO PRODUCTS INSTALLED IN MOBILE MANUFACTURED
12 HOMES AT THE TIME OF CONSTRUCTION.

13 (4) APPLY TO PRODUCTS DESIGNED EXPRESSLY FOR
14 INSTALLATION AND USE IN RECREATIONAL VEHICLES.

15 (5) CONSTITUTE A BAN ON PRODUCTS COVERED UNDER THIS ACT.

16 (6) PROHIBIT THE USE, SALE OR INSTALLATION OF USED
17 PRODUCTS OR PARTS.

18 SECTION 3. DEFINITIONS.

19 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
20 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
21 CONTEXT CLEARLY INDICATES OTHERWISE:

22 "BOARD." THE ENVIRONMENTAL QUALITY BOARD.

23 "COLD-ONLY UNITS." A WATER COOLER THAT EMITS COLD WATER
24 ONLY.

25 "COLD-TEMPERATURE FLUORESCENT LAMP." A FLUORESCENT LAMP THAT
26 IS NOT A COMPACT FLUORESCENT LAMP THAT:

27 (1) IS SPECIFICALLY DESIGNED TO START AT -20°F WHEN USED
28 WITH A BALLAST CONFORMING TO THE REQUIREMENTS OF ANSI C78.81
29 AND ANSI C78.901; AND

30 (2) IS EXPRESSLY DESIGNATED AS A COLD-TEMPERATURE LAMP

1 BOTH IN MARKINGS ON THE LAMP AND IN MARKETING MATERIALS,
2 INCLUDING CATALOGS, SALES LITERATURE AND PROMOTIONAL
3 MATERIAL.

4 "COMMERCIAL DISHWASHER." A MACHINE DESIGNED TO CLEAN AND
5 SANITIZE PLATES, POTS, PANS, GLASSES, CUPS, BOWLS, UTENSILS AND
6 TRAYS BY APPLYING SPRAYS OF DETERGENT SOLUTION, WITH OR WITHOUT
7 BLASTING MEDIA GRANULES, AND A SANITIZING RINSE.

8 "COMMERCIAL FRYER." AN APPLIANCE, INCLUDING A COOKING
9 VESSEL, IN WHICH OIL IS PLACED TO SUCH A DEPTH THAT THE COOKING
10 FOOD IS ESSENTIALLY SUPPORTED BY DISPLACEMENT OF THE COOKING
11 FLUID RATHER THAN BY THE BOTTOM OF THE VESSEL. HEAT IS DELIVERED
12 TO THE COOKING FLUID BY MEANS OF AN IMMERSED ELECTRIC ELEMENT OR
13 BAND-WRAPPED VESSEL ELECTRIC FRYERS OR BY HEAT TRANSFER FROM GAS
14 BURNERS THROUGH EITHER THE WALLS OF THE FRYER OR THROUGH TUBES
15 PASSING THROUGH THE COOKING FLUID.

16 "COMMERCIAL HOT-FOOD HOLDING CABINET." A HEATED, FULLY
17 ENCLOSED COMPARTMENT WITH ONE OR MORE SOLID OR TRANSPARENT
18 DOORS, DESIGNED TO MAINTAIN THE TEMPERATURE OF HOT FOOD THAT HAS
19 BEEN COOKED USING A SEPARATE APPLIANCE. THE TERM DOES NOT
20 INCLUDE HEATED GLASS MERCHANDIZING CABINETS, DRAWER WARMERS OR
21 COOK-AND-HOLD APPLIANCES.

22 "COMMERCIAL OVEN." A CHAMBER DESIGNED FOR HEATING, ROASTING
23 OR BAKING FOOD BY CONDUCTION, CONVECTION, RADIATION OR
24 ELECTROMAGNETIC ENERGY.

25 "COMMERCIAL STEAM COOKER" OR "COMPARTMENT STEAMER." A DEVICE
26 WITH ONE OR MORE FOOD-STEAMING COMPARTMENTS IN WHICH THE ENERGY
27 IN THE STEAM IS TRANSFERRED TO THE FOOD BY DIRECT CONTACT. THE
28 TERM MAY INCLUDE COUNTERTOP MODELS, WALL-MOUNTED MODELS AND
29 FLOOR MODELS MOUNTED ON A STAND, PEDESTAL OR CABINET-STYLE BASE.

30 "COMPENSATION." MONEY OR ANY OTHER SOURCE OF VALUE,

1 REGARDLESS OF FORM, RECEIVED OR TO BE RECEIVED BY A PERSON FOR
2 SERVICES RENDERED.

3 "COOK AND COLD UNITS." A WATER COOLER THAT EMITS BOTH COLD
4 AND ROOM-TEMPERATURE WATER.

5 "DECORATIVE GAS FIREPLACE." A VENTED FIREPLACE, INCLUDING AN
6 APPLIANCE THAT IS FREESTANDING, RECESSED, ZERO CLEARANCE OR A
7 GAS FIREPLACE INSERT, THAT IS FUELED BY NATURAL GAS OR PROPANE,
8 IS MARKED FOR DECORATIVE USE ONLY AND IS NOT EQUIPPED WITH A
9 THERMOSTAT OR INTENDED FOR USE AS A HEATER.

10 "DEPARTMENT." THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OF
11 THE COMMONWEALTH.

12 "DUAL-FLUSH EFFECTIVE FLUSH VOLUME." THE AVERAGE FLUSH
13 VOLUME OF TWO REDUCED FLUSHES AND ONE FULL FLUSH.

14 "DUAL-FLUSH WATER CLOSET." A WATER CLOSET INCORPORATING A
15 FEATURE THAT ALLOWS THE USER TO FLUSH THE WATER CLOSET WITH
16 EITHER A REDUCED OR FULL VOLUME OF WATER.

17 "EPA." THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

18 "FAUCET." A PRIVATE LAVATORY FAUCET, RESIDENTIAL KITCHEN
19 FAUCET, METERING FAUCET, PUBLIC LAVATORY FAUCET OR REPLACEMENT
20 AERATOR FOR A PRIVATE LAVATORY, PUBLIC LAVATORY OR RESIDENTIAL
21 KITCHEN FAUCET.

22 "GAS FIREPLACE." A DECORATIVE GAS FIREPLACE OR HEATING GAS
23 FIREPLACE.

24 "HAND-HELD SHOWERHEAD." A SHOWERHEAD THAT CAN BE HELD OR
25 FIXED IN PLACE FOR THE PURPOSE OF SPRAYING WATER ONTO A BATHER
26 AND THAT IS CONNECTED TO A FLEXIBLE HOSE.

27 "HEATING GAS FIREPLACE." A VENTED FIREPLACE, INCLUDING AN
28 APPLIANCE THAT IS FREESTANDING, RECESSED, ZERO CLEARANCE OR A
29 GAS FIREPLACE INSERT, THAT IS FUELED BY NATURAL GAS OR PROPANE
30 AND WHICH IS NOT A DECORATIVE FIREPLACE.

1 "HIGH COLOR RENDERING INDEX (CRI) FLUORESCENT LAMP." A
2 FLUORESCENT LAMP WITH A COLOR RENDERING INDEX OF 87 OR GREATER
3 THAT IS NOT A COMPACT FLUORESCENT LAMP.

4 "HOT AND COLD UNITS." A WATER COOLER THAT EMITS BOTH HOT AND
5 COLD WATER. THE TERM INCLUDES A COOLER THAT EMITS ROOM-
6 TEMPERATURE WATER.

7 "IMPACT-RESISTANT FLUORESCENT LAMP." A FLUORESCENT LAMP THAT
8 IS NOT A COMPACT FLUORESCENT LAMP THAT:

9 (1) HAS A COATING OR EQUIVALENT TECHNOLOGY THAT IS
10 COMPLIANT WITH NSF/ANSI 51 AND IS DESIGNED TO CONTAIN THE
11 GLASS IF THE GLASS ENVELOPE OF THE LAMP IS BROKEN; AND

12 (2) IS DESIGNATED AND MARKETED FOR THE INTENDED
13 APPLICATION WITH:

14 (I) THE DESIGNATION ON THE LAMP PACKAGING; AND

15 (II) MARKETING MATERIALS THAT IDENTIFY THE LAMP AS
16 BEING IMPACT RESISTANT, SHATTER RESISTANT, SHATTER PROOF
17 OR SHATTER PROTECTED.

18 "METERING FAUCET." A SELF-CLOSING FAUCET THAT DISPENSES A
19 SPECIFIC VOLUME OF WATER FOR EACH ACTUATION CYCLE. FOR THE
20 PURPOSE OF THIS DEFINITION, THE VOLUME OR CYCLE DURATION CAN BE
21 FIXED OR ADJUSTABLE.

22 "PLUMBING FIXTURE." AN EXCHANGEABLE DEVICE THAT CONNECTS TO
23 A PLUMBING SYSTEM TO DELIVER AND DRAIN AWAY WATER AND WASTE.

24 "PORTABLE ELECTRIC SPA." A FACTORY-BUILT ELECTRIC SPA OR HOT
25 TUB THAT IS SUPPLIED WITH EQUIPMENT FOR HEATING AND CIRCULATING
26 WATER AT THE TIME OF SALE OR SOLD SEPARATELY FOR SUBSEQUENT
27 ATTACHMENT.

28 "PRESSURE REGULATOR." A DEVICE THAT MAINTAINS CONSTANT
29 OPERATING PRESSURE IMMEDIATELY DOWNSTREAM FROM THE DEVICE, GIVEN
30 HIGHER PRESSURE UPSTREAM.

1 "PUBLIC LAVATORY FAUCET." A FITTING INTENDED TO BE INSTALLED
2 IN NONRESIDENTIAL BATHROOMS THAT ARE EXPOSED TO WALK-IN TRAFFIC.

3 "REPLACEMENT AERATOR." AN AERATOR SOLD AS A REPLACEMENT,
4 SEPARATE FROM THE FAUCET TO WHICH IT IS INTENDED TO BE ATTACHED.

5 "RESIDENTIAL VENTILATING FAN." A CEILING-MOUNTED OR WALL-
6 MOUNTED FAN OR REMOTELY MOUNTED IN-LINE FAN DESIGNED TO BE USED
7 IN A BATHROOM OR UTILITY ROOM, WHOSE PURPOSE IS TO MOVE AIR FROM
8 INSIDE THE BUILDING TO THE OUTDOORS.

9 "SHOWERHEAD." A COMPONENT OR SET OF COMPONENTS DISTRIBUTED
10 IN COMMERCE FOR ATTACHMENT TO A SINGLE SUPPLY FITTING FOR
11 SPRAYING WATER ONTO A BATHER, TYPICALLY FROM AN OVERHEAD
12 POSITION. THE TERM DOES NOT INCLUDE A SAFETY SHOWERHEAD.

13 "SPRAY SPRINKLER BODY." THE EXTERIOR CASE OR SHELL OF A
14 SPRINKLER INCORPORATING A MEANS OF CONNECTION TO THE PIPING
15 SYSTEM DESIGNED TO CONVEY WATER TO A NOZZLE OR ORIFICE.

16 "STORAGE TYPE." THE STORAGE OF THERMALLY CONDITIONED WATER
17 IN A RESERVOIR IN THE WATER COOLER THAT IS AVAILABLE
18 INSTANTANEOUSLY. THE TERM INCLUDES POINT-OF-USE, DRY STORAGE
19 COMPARTMENT AND BOTTLED WATER COOLERS.

20 "TROUGH-TYPE URINAL." A URINAL DESIGNED FOR SIMULTANEOUS USE
21 BY TWO OR MORE INDIVIDUALS.

22 "URINAL." A PLUMBING FIXTURE THAT RECEIVES ONLY LIQUID BODY
23 WASTE AND CONVEYS THE WASTE THROUGH A TRAP INTO A DRAINAGE
24 SYSTEM.

25 "WATER CLOSET." A PLUMBING FIXTURE HAVING A WATER-CONTAINING
26 RECEPTOR THAT RECEIVES LIQUID AND SOLID BODY WASTE THROUGH AN
27 EXPOSED INTEGRAL TRAP INTO A DRAINAGE SYSTEM.

28 "WATER COOLER." A FREESTANDING DEVICE THAT CONSUMES ENERGY
29 TO COOL OR HEAT POTABLE WATER.

30 SECTION 4. STANDARDS.

1 (A) REGULATIONS.--NOT LATER THAN ONE YEAR AFTER THE
2 EFFECTIVE DATE OF THIS SUBSECTION, THE BOARD SHALL PROMULGATE
3 REGULATIONS, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 502 OF
4 THE ACT OF JUNE 28, 1995 (P.L.89, NO.18), KNOWN AS THE
5 CONSERVATION AND NATURAL RESOURCES ACT, ESTABLISHING MINIMUM
6 EFFICIENCY STANDARDS FOR THE TYPES OF NEW PRODUCTS SET FORTH IN
7 SECTION 2.

8 (B) MINIMUM STANDARDS.--THE REGULATIONS SHALL PROVIDE FOR
9 THE FOLLOWING MINIMUM EFFICIENCY STANDARDS:

10 (1) COMMERCIAL DISHWASHERS INCLUDED IN THE SCOPE OF
11 VERSION 2.0 OF THE EPA'S "ENERGY STAR PROGRAM REQUIREMENTS
12 PRODUCT SPECIFICATION FOR COMMERCIAL DISHWASHERS" SHALL MEET
13 THE QUALIFICATION CRITERIA OF THAT SPECIFICATION.

14 (2) COMMERCIAL FRYERS INCLUDED IN THE SCOPE OF VERSION
15 2.0 OF THE EPA'S "ENERGY STAR PROGRAM REQUIREMENTS PRODUCT
16 SPECIFICATION FOR COMMERCIAL FRYERS" SHALL MEET THE
17 QUALIFICATION CRITERIA OF THAT SPECIFICATION.

18 (3) COMMERCIAL HOT-FOOD HOLDING CABINETS SHALL MEET THE
19 QUALIFICATION CRITERIA OF VERSION 2.0 OF THE EPA'S "ENERGY
20 STAR PROGRAM REQUIREMENTS PRODUCT SPECIFICATION FOR
21 COMMERCIAL HOT FOOD HOLDING CABINETS."

22 (4) COMMERCIAL OVENS INCLUDED IN THE SCOPE OF VERSION
23 2.2 OF THE EPA'S "ENERGY STAR PROGRAM REQUIREMENTS PRODUCT
24 SPECIFICATION FOR COMMERCIAL OVENS" SHALL MEET THE
25 QUALIFICATION CRITERIA OF THAT SPECIFICATION.

26 (5) COMMERCIAL STEAM COOKERS SHALL MEET THE REQUIREMENTS
27 OF VERSION 1.2 OF THE EPA'S "ENERGY STAR PROGRAM REQUIREMENTS
28 PRODUCT SPECIFICATION FOR COMMERCIAL STEAM COOKERS."

29 (6) FAUCETS, EXCEPT FOR METERING FAUCETS, SHALL MEET THE
30 FOLLOWING STANDARDS WHEN TESTED IN ACCORDANCE WITH 10 CFR PT.

1 430 APPENDIX S TO SUBPT. B (RELATING TO UNIFORM TEST METHOD
2 FOR MEASURING THE WATER CONSUMPTION OF FAUCETS AND
3 SHOWERHEADS) :

4 (I) PRIVATE LAVATORY FAUCETS AND REPLACEMENT
5 AERATORS MAY NOT EXCEED A MAXIMUM FLOW RATE OF 1.5
6 GALLONS PER MINUTE (GPM) AT 60 POUNDS PER SQUARE INCH
7 (PSI) .

8 (II) RESIDENTIAL KITCHEN FAUCETS AND REPLACEMENT
9 AERATORS MAY NOT EXCEED A MAXIMUM FLOW RATE OF 1.8 GPM AT
10 60 PSI, WITH OPTIONAL TEMPORARY FLOW OF 2.2 GPM, PROVIDED
11 THEY DEFAULT TO A MAXIMUM FLOW RATE OF 1.8 GPM AT 60 PSI
12 AFTER EACH USE .

13 (III) PUBLIC LAVATORY FAUCETS AND REPLACEMENT
14 AERATORS MAY NOT EXCEED A MAXIMUM FLOW RATE OF 0.5 GPM AT
15 60 PSI .

16 (7) GAS FIREPLACES SHALL COMPLY WITH THE FOLLOWING
17 REQUIREMENTS:

18 (I) GAS FIREPLACES SHALL BE CAPABLE OF AUTOMATICALLY
19 EXTINGUISHING A PILOT FLAME WHEN THE MAIN GAS BURNER
20 FLAME IS EXTINGUISHED .

21 (II) GAS FIREPLACES SHALL PREVENT AN IGNITION SOURCE
22 FOR THE MAIN GAS BURNER FLAME FROM OPERATING CONTINUOUSLY
23 FOR MORE THAN SEVEN DAYS FROM LAST USE OF THE MAIN GAS
24 BURNER .

25 (III) HEATING GAS FIREPLACES SHALL HAVE A FIREPLACE
26 EFFICIENCY EQUAL TO OR GREATER THAN 50% WHEN TESTED IN
27 ACCORDANCE WITH CSA P.4.1:15, "TESTING METHOD FOR
28 MEASURING FIREPLACE EFFICIENCY," AS AMENDED OR REVISED .

29 (8) HIGH CRI, COLD-TEMPERATURE AND IMPACT-RESISTANT
30 FLUORESCENT LAMPS SHALL MEET THE MINIMUM EFFICIENCY

1 REQUIREMENTS CONTAINED IN 10 CFR 430.32(N) (4) (RELATING TO
2 ENERGY AND WATER CONSERVATION STANDARDS AND THEIR COMPLIANCE
3 DATES) IN EFFECT ON JANUARY 1, 2023, AS MEASURED IN
4 ACCORDANCE WITH 10 CFR PT. 430 APPENDIX R TO SUBPT. B
5 (RELATING TO UNIFORM TEST METHOD FOR MEASURING ELECTRICAL AND
6 PHOTOMETRIC CHARACTERISTICS OF GENERAL SERVICE FLUORESCENT
7 LAMPS, INCANDESCENT REFLECTOR LAMPS, AND GENERAL SERVICE
8 INCANDESCENT LAMPS) IN EFFECT ON JANUARY 1, 2023.

9 (9) PORTABLE ELECTRIC SPAS SHALL MEET THE REQUIREMENTS
10 CONTAINED IN ANSI/APSP/ICC-14-2019, THE AMERICAN NATIONAL
11 STANDARD FOR PORTABLE ELECTRIC SPA ENERGY EFFICIENCY.

12 (10) IN-LINE RESIDENTIAL VENTILATING FANS SHALL HAVE A
13 FAN MOTOR EFFICACY OF NO LESS THAN 2.8 CUBIC FEET PER MINUTE
14 PER WATT. ALL OTHER RESIDENTIAL VENTILATING FANS SHALL HAVE A
15 FAN MOTOR EFFICACY OF NO LESS THAN 1.4 CUBIC FEET PER MINUTE
16 PER WATT FOR AIRFLOWS LESS THAN 90 CUBIC FEET PER MINUTE AND
17 NO LESS THAN 2.8 CUBIC FEET PER MINUTE PER WATT FOR OTHER
18 AIRFLOWS WHEN TESTED IN ACCORDANCE WITH HOME VENTILATION
19 INSTITUTE PUBLICATION 916 "HVI AIRFLOW TEST PROCEDURE."

20 (11) SHOWERHEADS MAY NOT EXCEED A MAXIMUM FLOW RATE OF
21 1.8 GPM AT 80 PSI WHEN TESTED IN ACCORDANCE WITH 10 CFR PT.
22 430 APPENDIX S TO SUBPT. B IN EFFECT ON JANUARY 1, 2023.

23 (12) SPRAY SPRINKLER BODIES THAT ARE NOT SPECIFICALLY
24 EXCLUDED FROM THE SCOPE OF VERSION 1.0 OF THE EPA'S
25 "WATERSENSE SPECIFICATION FOR SPRAY SPRINKLER BODIES," SHALL
26 INCLUDE AN INTEGRAL PRESSURE REGULATOR AND SHALL MEET THE
27 WATER EFFICIENCY AND PERFORMANCE CRITERIA AND OTHER
28 REQUIREMENTS OF THAT SPECIFICATION.

29 (13) WATER CLOSETS SHALL PASS THE WASTE EXTRACTION TEST
30 FOR WATER CLOSETS UNDER SECTION 7.9 OF THE AMERICAN SOCIETY

1 OF MECHANICAL ENGINEERS (ASME) CONTAINED IN A112.19.2/CSA
2 B45.1 OF 2018. URINALS AND WATER CLOSETS, OTHER THAN THOSE
3 DESIGNED AND MARKETED EXCLUSIVELY FOR USE AT PRISONS OR
4 MENTAL HEALTH FACILITIES, SHALL MEET THE FOLLOWING STANDARDS
5 WHEN TESTED IN ACCORDANCE WITH 10 CFR PT. 430 APPENDIX T TO
6 SUBPT. B (RELATING TO UNIFORM TEST METHOD FOR MEASURING THE
7 WATER CONSUMPTION OF WATER CLOSETS AND URINALS):

8 (I) WALL-MOUNTED URINALS, EXCEPT FOR TROUGH-TYPE
9 URINALS, SHALL HAVE A MAXIMUM FLUSH VOLUME OF 0.5 GALLONS
10 PER FLUSH.

11 (II) FLOOR-MOUNTED URINALS, EXCEPT FOR TROUGH-TYPE
12 URINALS, SHALL HAVE A MAXIMUM FLUSH VOLUME OF 0.5 GALLONS
13 PER FLUSH.

14 (III) WATER CLOSETS, EXCEPT FOR DUAL-FLUSH TANK-TYPE
15 WATER CLOSETS, SHALL HAVE A MAXIMUM FLUSH VOLUME OF 1.28
16 GALLONS PER FLUSH.

17 (IV) DUAL-FLUSH TANK-TYPE WATER CLOSETS SHALL HAVE A
18 MAXIMUM DUAL-FLUSH EFFECTIVE FLUSH VOLUME OF 1.28 GALLONS
19 PER FLUSH.

20 (14) WATER COOLERS INCLUDED IN THE SCOPE OF THE EPA'S
21 VERSION 2.0 "ENERGY STAR PROGRAM REQUIREMENTS PRODUCT
22 SPECIFICATION FOR WATER COOLERS" SHALL HAVE AN ON MODE WITH
23 NO WATER DRAW AND ENERGY CONSUMPTION LESS THAN OR EQUAL TO
24 THE FOLLOWING VALUES AS MEASURED IN ACCORDANCE WITH THE TEST
25 REQUIREMENTS OF THAT PROGRAM:

26 (I) 0.16 KILOWATT-HOURS PER DAY FOR COLD-ONLY UNITS
27 AND COOK AND COLD UNITS;

28 (II) 0.87 KILOWATT-HOURS PER DAY FOR STORAGE TYPE
29 HOT AND COLD UNITS; AND

30 (III) 0.18 KILOWATT-HOURS PER DAY FOR ON DEMAND HOT

1 AND COLD UNITS.

2 SECTION 5. IMPLEMENTATION.

3 (A) REQUIREMENT OF EFFICIENCY.--EXCEPT AS PROVIDED IN
4 SUBSECTION (B), ON OR AFTER JULY 1, 2025, NO NEW DEVICE LISTED
5 UNDER SECTION 2(C) MAY BE SOLD OR OFFERED FOR SALE, LEASE OR
6 RENT IN THIS COMMONWEALTH UNLESS THE EFFICIENCY OF THE NEW
7 PRODUCT MEETS OR EXCEEDS THE EFFICIENCY STANDARDS PROVIDED IN
8 SECTION 4.

9 (B) RESTRICTION ON INSTALLATION.--ONE YEAR AFTER THE DATE ON
10 WHICH THE SALE OR OFFERING FOR SALE OF CERTAIN PRODUCTS BECOMES
11 SUBJECT TO THE REQUIREMENTS OF SUBSECTION (A), NO PRODUCTS MAY
12 BE INSTALLED FOR COMPENSATION IN THIS COMMONWEALTH UNLESS THE
13 EFFICIENCY OF THE NEW PRODUCT MEETS OR EXCEEDS THE EFFICIENCY
14 STANDARDS PROVIDED IN SECTION 4.

15 SECTION 6. REVISED STANDARDS AND REGULATIONS.

16 THE BOARD SHALL PROMULGATE REGULATIONS AS IT DEEMS NECESSARY
17 TO ADMINISTER AND ENFORCE THIS ACT AND TO ESTABLISH INCREASED
18 EFFICIENCY STANDARDS FOR THE PRODUCTS LISTED IN SECTION 2. IN
19 CONSIDERING THE REVISED STANDARDS, THE BOARD SHALL SET
20 EFFICIENCY STANDARDS ON A DETERMINATION THAT INCREASED
21 EFFICIENCY STANDARDS WOULD SERVE TO PROMOTE ENERGY OR WATER
22 CONSERVATION IN THIS COMMONWEALTH AND WOULD BE COST EFFECTIVE
23 FOR CONSUMERS WHO PURCHASE AND USE THE PRODUCTS, PROVIDED THAT
24 NO INCREASED EFFICIENCY STANDARDS SHALL BECOME EFFECTIVE WITHIN
25 ONE YEAR FOLLOWING THE ADOPTION OF ANY AMENDED REGULATIONS
26 ESTABLISHING INCREASED EFFICIENCY STANDARDS.

27 SECTION 7. TESTING, CERTIFICATION, LABELING AND ENFORCEMENT.

28 (A) PRODUCT TESTING.--THE MANUFACTURER OF PRODUCTS COVERED
29 BY THIS ACT SHALL TEST SAMPLES OF THEIR PRODUCTS IN ACCORDANCE
30 WITH THE TEST PROCEDURES ADOPTED UNDER THIS ACT. THE DEPARTMENT

1 MAY ADOPT UPDATED TEST METHODS WHEN NEW VERSIONS OF TEST
2 PROCEDURES BECOME AVAILABLE.

3 (B) COMPLIANCE.--MANUFACTURERS OF NEW PRODUCTS COVERED BY
4 SECTION 2 SHALL CERTIFY TO THE DEPARTMENT, OR TO AN APPROVED
5 THIRD PARTY AS DETERMINED BY THE DEPARTMENT, THAT THE PRODUCTS
6 ARE IN COMPLIANCE WITH THE PROVISIONS OF THIS ACT. THE
7 CERTIFICATIONS SHALL BE BASED ON TEST RESULTS UNDER SUBSECTION
8 (A). THE BOARD SHALL PROMULGATE REGULATIONS GOVERNING THE
9 CERTIFICATION OF THE PRODUCTS AND SHALL COORDINATE WITH THE
10 CERTIFICATION PROGRAMS OF OTHER FEDERAL AND STATE AGENCIES WITH
11 SIMILAR STANDARDS.

12 (C) COMPLIANCE MARK, LABEL OR TAG ON PRODUCT.--MANUFACTURERS
13 OF NEW PRODUCTS COVERED UNDER SECTION 2 SHALL IDENTIFY EACH
14 PRODUCT OFFERED FOR SALE OR INSTALLATION IN THIS COMMONWEALTH AS
15 IN COMPLIANCE WITH THE PROVISIONS OF THIS ACT BY MEANS OF A
16 MARK, LABEL OR TAG ON THE PRODUCT OR PACKAGING AT THE TIME OF
17 SALE OR INSTALLATION. THE BOARD SHALL PROMULGATE REGULATIONS
18 GOVERNING THE IDENTIFICATION OF THE PRODUCTS OR PACKAGING, WHICH
19 SHALL BE COORDINATED TO THE GREATEST PRACTICAL EXTENT WITH THE
20 LABELING PROGRAMS OF OTHER FEDERAL AND STATE AGENCIES WITH
21 EQUIVALENT EFFICIENCY STANDARDS. THE DEPARTMENT SHALL ALLOW THE
22 USE OF EXISTING MARKS, LABELS OR TAGS, WHICH CONNOTE COMPLIANCE
23 WITH THE EFFICIENCY REQUIREMENTS OF THIS ACT.

24 (D) DEPARTMENT TESTING PERMITTED.--THE DEPARTMENT MAY TEST
25 PRODUCTS COVERED BY SECTION 2. IF TESTED PRODUCTS ARE FOUND NOT
26 TO BE IN COMPLIANCE WITH THE MINIMUM EFFICIENCY STANDARDS
27 ESTABLISHED UNDER SECTION 4, THE DEPARTMENT SHALL:

28 (1) CHARGE THE MANUFACTURER OF THE PRODUCT FOR THE COST
29 OF PRODUCT PURCHASE AND TESTING; AND

30 (2) MAKE INFORMATION AVAILABLE TO THE ATTORNEY GENERAL

1 AND THE PUBLIC ON PRODUCTS FOUND NOT TO BE IN COMPLIANCE WITH
2 THE STANDARDS.

3 (E) PERIODIC INSPECTIONS.--THE DEPARTMENT MAY CAUSE PERIODIC
4 INSPECTIONS TO BE MADE OF DISTRIBUTORS OR RETAILERS OF NEW
5 PRODUCTS COVERED UNDER SECTION 2 IN ORDER TO DETERMINE
6 COMPLIANCE WITH THE PROVISIONS OF THIS ACT.

7 (F) COMPLAINT PROCESS.--THE DEPARTMENT SHALL INVESTIGATE
8 COMPLAINTS RECEIVED CONCERNING VIOLATIONS OF THIS ACT AND SHALL
9 REPORT THE RESULTS OF THE INVESTIGATIONS TO THE ATTORNEY
10 GENERAL. THE ATTORNEY GENERAL MAY INSTITUTE PROCEEDINGS TO
11 ENFORCE THE PROVISIONS OF THIS ACT. A MANUFACTURER, DISTRIBUTOR
12 OR RETAILER, OR A PERSON WHO INSTALLS A PRODUCT COVERED BY THIS
13 ACT FOR COMPENSATION, WHO VIOLATES ANY PROVISION OF THIS ACT
14 SHALL BE ISSUED A WARNING BY THE DEPARTMENT FOR ANY FIRST
15 VIOLATION. A MANUFACTURER, DISTRIBUTOR OR RETAILER OR A PERSON
16 WHO VIOLATES THE PROVISIONS OF THIS ACT AFTER THE ISSUANCE OF A
17 WARNING BY THE DEPARTMENT FOR A FIRST VIOLATION SHALL BE SUBJECT
18 TO A CIVIL PENALTY OF UP TO \$100 FOR EACH OFFENSE. REPEAT
19 VIOLATIONS SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN
20 \$500 FOR EACH OFFENSE. EACH VIOLATION SHALL CONSTITUTE A
21 SEPARATE OFFENSE AND EACH DAY THE VIOLATION CONTINUES SHALL
22 CONSTITUTE A SEPARATE OFFENSE. PENALTIES ASSESSED UNDER THIS
23 SUBSECTION ARE IN ADDITION TO COSTS ASSESSED UNDER SUBSECTION
24 (D).

25 SECTION 8. ABROGATION OF REGULATIONS.

26 ALL REGULATIONS AND PARTS OF REGULATIONS ARE ABROGATED TO THE
27 EXTENT OF ANY INCONSISTENCY WITH THE PROVISIONS OF THIS ACT.

28 SECTION 9. REPEAL.

29 ALL ACTS AND PARTS OF ACTS ARE REPEALED INSOFAR AS THEY ARE
30 INCONSISTENT WITH THE PROVISIONS OF THIS ACT.

1 SECTION 10. EFFECTIVE DATE.

2 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.