

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2035 Session of
2003

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AND YOUNGBLOOD, SEPTEMBER 29, 2003

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
SEPTEMBER 29, 2003

AN ACT

1 Providing for minimum energy efficiency standards for certain
2 appliances and equipment; and providing for the powers and
3 duties of the Department of Environmental Protection and of
4 the Attorney General.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Energy
9 Efficiency Standards Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Attorney General." The Attorney General of the
15 Commonwealth.

16 "Ceiling fan." A nonportable device that is suspended from a
17 ceiling for circulating air via the rotation of fan blades.

1 "Ceiling fan light kit." The equipment used to provide light
2 from a ceiling fan that is:

3 (1) integral such that the equipment is hardwired to the
4 ceiling fan; or

5 (2) attachable such that the equipment is not, at the
6 time of sale, physically attached to the fan, and that may be
7 included inside the ceiling fan package at the time of sale
8 or sold separately for subsequent attachment to the fan.

9 "Commercial clothes washer." A soft mount front-loading or
10 soft mount top-loading clothes washer that is designed for use
11 in:

12 (1) applications where the occupants of more than one
13 household will be using it, including multifamily housing
14 common areas and coin laundries; or

15 (2) other commercial applications, if the clothes
16 container compartment is no greater than 3.5 cubic feet for
17 horizontal-axis clothes washers or no greater than 4.0 cubic
18 feet for vertical-axis clothes washers.

19 "Commercial refrigerator and freezer." A reach-in cabinet,
20 pass-through cabinet, roll-in cabinet or roll-through cabinet
21 that has less than 85 cubic feet of capacity and that is not a
22 walk-in model or consumer product regulated under the Energy
23 Policy and Conservation Act (Public Law 94-163, 89 Stat. 871).

24 "Department." The Department of Environmental Protection of
25 the Commonwealth.

26 "Digital cable television box." A device that acts as a
27 tuner for cable television programming and that converts digital
28 signals received from a cable service provider to a signal
29 usable by a television set.

30 "Digital television converter box." A device that receives

1 and decodes digital broadcast signals for display by an analog
2 television set and is not a digital cable television box.

3 "Illuminated exit sign." A sign that is designed to be
4 permanently fixed in place and used to identify an exit in which
5 a light source illuminates the sign or letters internally and
6 the background of the exit sign is not transparent.

7 "Large packaged air-conditioning equipment." Packaged air-
8 conditioning equipment having 240,000 British thermal unit (BTU)
9 per hour or more of cooling capacity.

10 "Low voltage dry-type distribution transformer." A
11 distribution transformer that:

12 (1) has an input voltage of 600 volts or less;

13 (2) is between 14 kVa and 2,501 kVa in size;

14 (3) is air-cooled; and

15 (4) does not use oil as a coolant.

16 "Multifunction device." A physically integrated electronic
17 device that has the core function of a digital cable television
18 box and one or more major additional functionalities, including,
19 but not limited to, Internet access, personal digital recording
20 or video game operation.

21 "Packaged air-conditioning equipment." Air-conditioning
22 equipment that is built as a package and shipped as a whole to
23 end-user sites.

24 "Pass-through cabinet." A commercial refrigerator or
25 commercial freezer with hinged or sliding doors on both the
26 front and rear thereof.

27 "Reach-in cabinet." A commercial refrigerator, commercial
28 refrigerator-freezer or commercial freezer with hinged or
29 sliding doors or lids but excluding a roll-in or roll-through
30 cabinet and pass-through cabinet.

1 "Roll-in or roll-through cabinet." A commercial refrigerator
2 or commercial freezer with hinged or sliding doors that allows
3 wheeled racks of product to be rolled into or through the
4 refrigerator or freezer.

5 "Set-top box." A digital cable television box, wireless
6 television receiver or digital television converter box.

7 "Torchiere lighting fixture." A portable electric lighting
8 fixture with a reflector bowl giving light directed upward so as
9 to give indirect illumination.

10 "Traffic signal module." A standard eight-inch (200 mm) or
11 12-inch (300 mm) round traffic signal indication consisting of a
12 light source, lens and all parts necessary for operation and
13 communication of movement messages to drivers through red, amber
14 and green colors, and arrow modules in the same colors to
15 indicate turning movements.

16 "Transformer." A device consisting essentially of two or
17 more coils of insulated wire that transfers alternating current
18 by electromagnetic induction from one coil to another in order
19 to change the original voltage or current value.

20 "Unit heater." A self-contained fan-type heater that uses
21 natural gas, propane or fuel oil and that is designed to be
22 installed within a heated space. The term includes an apparatus
23 or appliance that supplies heat and a fan for circulating air
24 over a heat exchange surface enclosed in a common casing. The
25 term does not include "warm air furnaces" as specifically
26 defined under the Energy Policy Act of 1992 (Public Law 102-486,
27 42 U.S.C. § 13201 et seq).

28 "Wireless television receiver." A device used in conjunction
29 with a dish antenna to receive satellite or other wireless
30 television programming and that converts signals from a dish

1 antenna for use by a television set.

2 Section 3. Scope.

3 (a) General rule.--The provisions of this act apply to the
4 testing, certification and enforcement of efficiency standards
5 for the following types of new products sold, offered for sale
6 or installed in this Commonwealth:

7 (1) Ceiling fans and ceiling fan light kits.

8 (2) Commercial clothes washers.

9 (3) Commercial refrigerators and freezers.

10 (4) Illuminated exit signs.

11 (5) Large packaged air-conditioning equipment.

12 (6) Low voltage dry-type distribution transformers.

13 (7) Set-top boxes.

14 (8) Torchiere lighting fixtures.

15 (9) Traffic signal modules.

16 (10) Unit heaters.

17 (11) Such other products as may be designated by the
18 department in accordance with section 6.

19 (b) Exclusions.--The provisions of this act do not apply to
20 any of the following:

21 (1) New products manufactured in this Commonwealth and
22 sold outside this Commonwealth.

23 (2) New products manufactured outside this Commonwealth
24 and sold at wholesale inside this Commonwealth for final
25 retail sale and installation outside this Commonwealth.

26 (3) Products installed in mobile manufactured homes at
27 the time of construction.

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

30 Section 4. Efficiency standards.

1 Not later than January 1, 2004, the department shall adopt
2 regulations establishing minimum efficiency standards for the
3 types of new products set forth in section 3. The regulations
4 shall provide for the following minimum efficiency standards:

5 (1) Ceiling fans and ceiling fan light kits shall meet
6 the Tier 1 criteria of the product specification (Version
7 1.1) of the "Energy Star Program Requirements for Residential
8 Ceiling Fans" developed by the Environmental Protection
9 Agency.

10 (2) Commercial clothes washers shall meet the
11 requirements shown in Table P-3 of section 1605.3 of the
12 California Code of Regulations, Title 20: Division 2, Chapter
13 4, Article 4: Appliance Efficiency Regulations that took
14 effect on November 27, 2002.

15 (3) Commercial refrigerators and freezers shall meet the
16 August 1, 2004, requirements shown in Table A-6 of section
17 1605.3 of the California Code of Regulations, Title 20:
18 Division 2, Chapter 4, Article 4: Appliance Efficiency
19 Regulations that took effect on November 27, 2002.

20 (4) Illuminated exit signs shall meet the product
21 specification (Version 2.0) of the "Energy Star Program
22 Requirements for Exit Signs" developed by the Environmental
23 Protection Agency.

24 (5) Large packaged air-conditioning equipment shall meet
25 the Tier 2 efficiency levels of the "Minimum Equipment
26 Efficiencies for Unitary Commercial Air Conditioners" and
27 "Minimum Equipment Efficiencies for Heat Pumps" developed by
28 the Consortium for Energy Efficiency, Boston, Massachusetts,
29 and that took effect on July 1, 2002.

30 (6) Low voltage dry-type distribution transformers shall

1 meet or exceed the energy efficiency values shown in Table 4-
2 2 of National Electrical Manufacturers Association Standard
3 TP-1-2002.

4 (7) Set-top boxes other than multifunction devices shall
5 meet the Tier 1 criteria of the product specification of the
6 Environmental Protection Agency's "Energy Star Program
7 Requirements for Set-top Boxes" that took effect on January
8 1, 2001.

9 (8) Torchiere lighting fixtures shall not consume more
10 than 190 watts and shall not be capable of operating with
11 lamps that total more than 190 watts.

12 (9) Traffic signal modules shall meet the product
13 specification of the "Energy Star Program Requirements for
14 Traffic Signals" developed by the Environmental Protection
15 Agency and that took effect in February 2001.

16 (10) Unit heaters shall not have pilot lights and shall
17 have either power venting or an automatic flue damper.

18 Section 5. Implementation.

19 (a) Sale of new products.--On or after January 1, 2005, no
20 new product of a type set forth in section 3 may be sold or
21 offered for sale in this Commonwealth unless the efficiency of
22 the new product meets or exceeds the efficiency standards set
23 forth in the regulations adopted pursuant to section 4.

24 (b) Installation of new products.--On or after January 1,
25 2006, no new product of a type set forth in section 3 may be
26 installed in this Commonwealth unless the efficiency of the new
27 product meets or exceeds the efficiency standards set forth in
28 the regulations adopted pursuant to section 4.

29 Section 6. New and revised standards.

30 The department may establish increased efficiency standards

1 on the products listed in section 3. In considering such new or
2 amended standards, the department shall set efficiency standards
3 upon a determination that increased efficiency standards would
4 serve to promote energy conservation in this Commonwealth and
5 would be cost-effective for consumers who purchase and use such
6 new products, provided no new or increased efficiency standards
7 shall become effective within one year following the adoption of
8 any amended regulations providing for such increased efficiency
9 standards. The department may apply for a waiver of Federal
10 preemption in accordance with section 327 of the Energy Policy
11 and Conservation Act (Public Law 94-163, 42 U.S.C. § 6297).

12 Section 7. Administration.

13 (a) Testing.--If the procedures for testing the energy
14 efficiency of the new products covered by section 3 are not
15 provided for by State law, the department shall use the
16 Department of Energy approved test methods or, in the absence of
17 such test methods, other appropriate nationally recognized test
18 methods. The manufacturers of such products shall provide
19 samples to be tested in accordance with the test procedures
20 adopted pursuant to this act or those specified in other State
21 law.

22 (b) Manufacturer certification.--Manufacturers of products
23 covered by section 3 shall certify to the department that such
24 products are in compliance with the provisions of this act. The
25 department shall adopt regulations governing the certification
26 of the products and may work in coordination with the
27 certification program of other states with like standards.

28 (c) Identification.--Manufacturers of products covered by
29 section 3 shall identify each product offered for sale or
30 installed in this Commonwealth as in compliance with the

1 provisions of this act by means of a mark, label or tag on the
2 product and packaging at the time of sale or installation. The
3 department shall adopt regulations governing the identification
4 of the products and packaging and may work in coordination with
5 the labeling programs of other states with like standards.

6 (d) Noncomplying tested products.--The department may test a
7 product covered by section 3 using an accredited testing
8 facility. If a product so tested is found not to be in
9 compliance with the minimum efficiency standards established
10 under section 4, the department shall:

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

13 (2) Provide information to the public on the products.

14 (e) Periodic inspection.--The department may cause periodic
15 inspections to be made of distributors or retailers of new
16 products covered by section 3 in order to determine compliance
17 with the provisions of this act. The department shall cooperate
18 with other administrative departments to coordinate on
19 inspections for new products that are also covered by other
20 state laws.

21 (f) Investigations and penalty.--

22 (1) The Attorney General shall investigate complaints
23 received concerning violations of this act. The Attorney
24 General may institute proceedings to enforce the provisions
25 of this act.

26 (2) A manufacturer that violates any provision of this
27 act shall be issued a warning by the Attorney General for any
28 first violation.

29 (3) Repeat violations shall be subject to a civil
30 penalty of not more than \$250. Each violation shall

1 constitute a separate offense and each day that such
2 violation continues shall constitute a separate offense.

3 (4) Penalties assessed under this subsection are in
4 addition to costs assessed under subsection (d).

5 (g) Regulations.--The department shall adopt regulations as
6 necessary to insure the proper implementation and enforcement of
7 the provisions of this act.

8 Section 8. Severability.

9 The provisions of this act are severable. If any provision of
10 this act or its application to any person or circumstance is
11 held invalid, the invalidity shall not affect other provisions
12 or applications of this act which can be given effect without
13 the invalid provision or application.

14 Section 9. Effective date.

15 This act shall take effect in 60 days.