

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2035

Session of
2003

INTRODUCED BY McILHINNEY, ADOLPH, CRAHALLA, CREIGHTON, DAILEY,
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GOOD, LEVDANSKY, ARGALL, MANN AND BARD, SEPTEMBER 29, 2003

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND
ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 16, 2004

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~~ <—
4 PENNSYLVANIA PUBLIC UTILITY COMMISSION and of the Attorney <—
5 General.

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

8 Section 1. Short title.

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

11 Section 2. Definitions.

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

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

17 ~~"Ceiling fan." A nonportable device that is suspended from a~~ <—

~~ceiling for circulating air via the rotation of fan blades.~~

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

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

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

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

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

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

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

~~"Department." The Department of Environmental Protection of the Commonwealth.~~

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

1 ~~"Digital television converter box." A device that receives~~
2 ~~and decodes digital broadcast signals for display by an analog~~
3 ~~television set and is not a digital cable television box.~~

4 "COMMISSION." THE PENNSYLVANIA PUBLIC UTILITY COMMISSION OF <—
5 THE COMMONWEALTH.

6 "Illuminated exit sign." A sign that is POWERED BY <—
7 ELECTRICITY, designed to be permanently fixed in place and used
8 to identify an exit in which a light source illuminates the sign
9 or letters internally and the background of the exit sign is not
10 transparent.

11 "Large packaged air-conditioning equipment." ~~Packaged air~~ <—
12 ~~conditioning equipment having 240,000 British thermal unit (BTU)~~
13 ~~per hour or more of cooling capacity.~~ AN AIR-COOLED, <—
14 ELECTRICALLY OPERATED, SINGLE PACKAGE CENTRAL AIR CONDITIONER
15 AND SINGLE PACKAGE CENTRAL AIR-CONDITIONING HEAT PUMP FOR
16 COMMERCIAL APPLICATION WHICH IS RATED AT OR ABOVE 240,000 BTUS
17 PER HOUR AND BELOW 750,000 BTUS PER HOUR COOLING CAPACITY.

18 "Low voltage dry-type distribution transformer." A
19 distribution transformer that:

- 20 (1) has an input voltage of 600 volts or less;
21 (2) is between 14 kVa and 2,501 kVa in size;
22 (3) is air-cooled; and
23 (4) does not use oil as a coolant.

24 "Multifunction device." A physically integrated electronic
25 device that has the core function of a digital cable television
26 box and one or more major additional functionalities, including,
27 but not limited to, Internet access, personal digital recording
28 or video game operation.

29 ~~"Packaged air conditioning equipment." Air conditioning~~ <—
30 ~~equipment that is built as a package and shipped as a whole to~~

1 ~~end user sites.~~

2 "Pass-through cabinet." A commercial refrigerator or
3 commercial freezer with hinged or sliding doors on both the
4 front and rear thereof.

5 "Reach-in cabinet." A commercial refrigerator, commercial
6 refrigerator-freezer or commercial freezer with hinged or
7 sliding doors or lids but excluding a roll-in or roll-through
8 cabinet and pass-through cabinet.

9 "Roll-in or roll-through cabinet." A commercial refrigerator
10 or commercial freezer with hinged or sliding doors that allows
11 wheeled racks of product to be rolled into or through the
12 refrigerator or freezer.

13 ~~"Set top box." A digital cable television box, wireless~~ <—
14 ~~television receiver or digital television converter box.~~

15 "Torchiere lighting fixture." A portable electric lighting
16 fixture with a reflector bowl giving light directed upward so as
17 to give indirect illumination.

18 "Traffic signal module." A standard eight-inch (200 mm) or
19 12-inch (300 mm) round traffic signal indication consisting of a
20 light source, lens and all parts necessary for operation and
21 communication of movement messages to drivers through red, amber
22 and green colors, and arrow modules in the same colors to
23 indicate turning movements.

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

28 "Unit heater." A self-contained fan-type heater that uses
29 natural gas, propane or fuel oil and that is designed to be
30 installed within a heated space IN A COMMERCIAL OR INDUSTRIAL <—

1 BUILDING. The term includes an apparatus or appliance that
2 supplies heat and a fan for circulating air over a heat exchange
3 surface enclosed in a common casing. The term does not include
4 "warm air furnaces" as specifically defined under the Energy
5 Policy Act of 1992 (Public Law 102-486, 42 U.S.C. § 13201 et
6 seq.).

7 ~~"Wireless television receiver." A device used in conjunction~~ <—
8 ~~with a dish antenna to receive satellite or other wireless~~
9 ~~television programming and that converts signals from a dish~~
10 ~~antenna for use by a television set.~~

11 Section 3. Scope.

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

- 16 ~~(1) Ceiling fans and ceiling fan light kits.~~ <—
17 ~~(2) Commercial clothes washers.~~
18 ~~(3) Commercial refrigerators and freezers.~~
19 ~~(4) Illuminated exit signs.~~
20 ~~(5) Large packaged air conditioning equipment.~~
21 ~~(6) Low voltage dry type distribution transformers.~~
22 ~~(7) Set top boxes.~~
23 ~~(8) Torchiere lighting fixtures.~~
24 ~~(9) Traffic signal modules.~~
25 ~~(10) Unit heaters.~~
26 ~~(11) Such other products as may be designated by the~~
27 ~~department in accordance with section 6.~~

- 28 (1) COMMERCIAL CLOTHES WASHERS. <—
29 (2) COMMERCIAL REFRIGERATORS AND FREEZERS.
30 (3) ILLUMINATED EXIT SIGNS.

- 1 (4) LARGE PACKAGED AIR-CONDITIONING EQUIPMENT.
- 2 (5) LOW VOLTAGE DRY-TYPE DISTRIBUTION TRANSFORMERS.
- 3 (6) TORCHIERE LIGHTING FIXTURES.
- 4 (7) TRAFFIC SIGNAL MODULES.
- 5 (8) UNIT HEATERS.

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

8 (1) New products manufactured in this Commonwealth and
9 sold outside this Commonwealth.

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

13 (3) Products installed in mobile manufactured homes at
14 the time of construction.

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

17 Section 4. Efficiency standards.

18 Not later than January 1, 2004, ~~the department~~ 2005, THE <—
19 COMMISSION shall adopt regulations establishing minimum
20 efficiency standards for the types of new products set forth in
21 section 3. The regulations shall provide for the following
22 minimum efficiency standards:

23 ~~(1) Ceiling fans and ceiling fan light kits shall meet~~ <—
24 ~~the Tier 1 criteria of the product specification (Version~~
25 ~~1.1) of the "Energy Star Program Requirements for Residential~~
26 ~~Ceiling Fans" developed by the Environmental Protection~~
27 ~~Agency.~~

28 ~~(2)~~ (1) Commercial clothes washers shall meet, NOT LATER <—
29 THAN JANUARY 1, 2007, the requirements shown in Table P-3 of
30 section 1605.3 of the California Code of Regulations, Title

20: Division 2, Chapter 4, Article 4: Appliance Efficiency
Regulations that took effect on November 27, 2002.

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

~~(4)~~ (3) Illuminated exit signs shall BE POWERED BY ELECTRICITY AND meet the product specification (Version 2.0) of the "Energy Star Program Requirements for Exit Signs" developed by the Environmental Protection Agency.

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

(4) LARGE PACKAGED AIR-CONDITIONING EQUIPMENT SHALL MEET THE ASHRAE 90.1 ENERGY STANDARDS ESTABLISHED FOR THIS CATEGORY OF EQUIPMENT.

~~(6)~~ (5) Low voltage dry-type distribution transformers shall meet or exceed the energy efficiency values shown in Table 4-2 of National Electrical Manufacturers Association Standard TP-1-2002.

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

~~(8)~~ (6) Torchiere lighting fixtures shall not consume

more than 190 watts and shall not be capable of operating with lamps that total more than 190 watts.

~~(9)~~ (7) Traffic signal modules shall meet the product specification of the "Energy Star Program Requirements for Traffic Signals" developed by the Environmental Protection Agency and that took effect in February 2001.

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

(8) UNIT HEATERS INSTALLED WITHIN A HEATED SPACE IN A COMMERCIAL OR INDUSTRIAL BUILDING SHALL BE EQUIPPED WITH AN INTERMITTENT IGNITION DEVICE AND HAVE EITHER POWER VENTING OR AN AUTOMATIC FLUE DAMPER.

Section 5. Implementation.

~~(a) Sale of new products. On or after January 1, 2005, no~~

(A) SALE AND INSTALLATION OF NEW PRODUCTS.--NO new product of a type set forth in section 3 may be sold or offered for sale in this Commonwealth unless the efficiency of the new product meets or exceeds the efficiency standards set forth in the regulations adopted pursuant to section 4 AND COMPLIES WITH SUBSECTION (B).

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

~~Section 6. New and revised standards.~~

~~The department may establish increased efficiency standards on the products listed in section 3. In considering such new or amended standards, the department shall set efficiency standards upon a determination that increased efficiency standards would~~

~~serve to promote energy conservation in this Commonwealth and would be cost effective for consumers who purchase and use such new products, provided no new or increased efficiency standards shall become effective within one year following the adoption of any amended regulations providing for such increased efficiency standards. The department may apply for a waiver of Federal preemption in accordance with section 327 of the Energy Policy and Conservation Act (Public Law 94-163, 42 U.S.C. § 6297).~~

(B) MONITORING OF OTHER STATES' STANDARDS.--

<—

(1) THE COMMISSION SHALL MONITOR THE ADOPTION OF ENERGY EFFICIENCY STANDARDS IN OTHER STATES FOR PRODUCTS FOR WHICH THE COMMISSION ADOPTS ENERGY EFFICIENCY STANDARDS PURSUANT TO SECTION 4. WHEN THE COMMISSION DETERMINES THAT AT LEAST ONE OTHER STATE OR STATES WITH AN AGGREGATE POPULATION OF 13,000,000 HAVE ADOPTED ENERGY EFFICIENCY STANDARDS FOR A PRODUCT OR PRODUCTS THAT ARE THE SAME AS OR MORE STRINGENT THAN STANDARDS ADOPTED BY THE COMMISSION FOR THE PRODUCT OR PRODUCTS UNDER SECTION 4, THE COMMISSION SHALL PROMPTLY ISSUE A FINDING TO THAT EFFECT, BUT IN NO EVENT SHALL THE FINDING ISSUE LATER THAN 30 DAYS AFTER ADOPTION OF SUCH STANDARDS BY THE OTHER STATE OR STATES.

(2) FOR THE PURPOSE OF THIS SUBSECTION, A STATE IS DEEMED TO HAVE ADOPTED A STANDARD AS OF THE DATE AN ACT THAT INCORPORATES STANDARDS WITHIN THE ACT ITSELF OR THAT DIRECTS AN AGENCY OF THAT STATE TO ADOPT STANDARDS IS SIGNED INTO LAW.

(C) EFFECTIVE DATE OF STANDARDS.--

(1) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (A) AND (B), ENERGY EFFICIENCY STANDARDS ADOPTED BY THE COMMISSION PURSUANT TO SECTION 4 SHALL TAKE EFFECT NO EARLIER

1 THAN TWO YEARS AFTER A FINDING ISSUED BY THE COMMISSION THAT
2 A COMBINATION OF STATES WITHIN THE GROUP OF MAINE, NEW
3 HAMPSHIRE, VERMONT, MASSACHUSETTS, RHODE ISLAND, CONNECTICUT,
4 NEW YORK, NEW JERSEY AND MARYLAND, WITH A MINIMUM AGGREGATE
5 POPULATION OF 13,000,000 HAVE ADOPTED AN ENERGY EFFICIENCY
6 STANDARD FOR A PRODUCT THAT IS THE SAME AS OR MORE STRINGENT
7 THAN THE ENERGY EFFICIENCY STANDARD FOR A PRODUCT THAT IS THE
8 SAME AS OR MORE STRINGENT THAN THE ENERGY EFFICIENCY STANDARD
9 ADOPTED BY THE COMMISSION FOR THE PRODUCT.

10 (2) NO PRODUCT IDENTIFIED BY A DETERMINATION OF THE
11 COMMISSION UNDER SUBSECTION (B) MAY BE SOLD, OFFERED FOR
12 SALE, OR INSTALLED IN THIS COMMONWEALTH UNLESS THE EFFICIENCY
13 OF THE PRODUCT MEETS OR EXCEEDS THE ENERGY EFFICIENCY
14 STANDARD ADOPTED BY THE COMMISSION.

15 Section 7 6. Administration. <—

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

25 (b) Manufacturer certification.--Manufacturers of products
26 covered by section 3 shall certify to the ~~department~~ COMMISSION <—
27 that such products are in compliance with the provisions of this
28 act. The ~~department~~ COMMISSION shall adopt regulations governing <—
29 the certification of the products and may work in coordination
30 with the certification program of other states with like

1 standards.

2 (c) Identification.--Manufacturers of products covered by
3 section 3 shall identify each product offered for sale or
4 installed in this Commonwealth as in compliance with the
5 provisions of this act by means of a mark, label or tag on the
6 product and packaging at the time of sale or installation. The
7 ~~department~~ COMMISSION shall adopt regulations governing the <—
8 identification of the products and packaging and may work in
9 coordination with the labeling programs of other states with
10 like standards.

11 (d) Noncomplying tested products.--The ~~department~~ COMMISSION <—
12 may test a product covered by section 3 using an accredited
13 testing facility. If a product so tested is found not to be in
14 compliance with the minimum efficiency standards established
15 under section 4, the ~~department~~ COMMISSION shall: <—

16 (1) Charge the manufacturer of the product for the cost
17 of product purchase and testing.

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

19 (e) Periodic inspection.--The ~~department~~ COMMISSION may <—
20 cause periodic inspections to be made of distributors or
21 retailers of new products covered by section 3 in order to
22 determine compliance with the provisions of this act. The
23 ~~department~~ COMMISSION shall cooperate with other administrative <—
24 departments to coordinate on inspections for new products that
25 are also covered by other state laws.

26 (f) Investigations and penalty.--

27 (1) The Attorney General shall investigate complaints
28 received concerning violations of this act. The Attorney
29 General may institute proceedings to enforce the provisions
30 of this act.

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

4 (3) Repeat violations shall be subject to a civil
5 penalty of not more than \$250. Each violation shall
6 constitute a separate offense and each day that such
7 violation continues shall constitute a separate offense.

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

10 (g) Regulations.--The ~~department~~ COMMISSION shall adopt
11 regulations as necessary to insure the proper implementation and
12 enforcement of the provisions of this act.

13 Section 7. Severability. <—

14 The provisions of this act are severable. If any provision of
15 this act or its application to any person or circumstance is
16 held invalid, the invalidity shall not affect other provisions
17 or applications of this act which can be given effect without
18 the invalid provision or application.

19 Section 8. Effective date. <—

20 This act shall take effect in 60 days.