

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2035

Session of
2003

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SEPTEMBER 29, 2003

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 29, 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 Pennsylvania Public Utility Commission 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 "Commercial clothes washer." A soft mount front-loading or

1 soft mount top-loading clothes washer that is designed for use
2 in:

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

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

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

15 "Commission." The Pennsylvania Public Utility Commission of
16 the Commonwealth.

17 "Illuminated exit sign." A sign that is powered by
18 electricity, designed to be permanently fixed in place and used
19 to identify an exit in which a light source illuminates the sign
20 or letters internally and the background of the exit sign is not
21 transparent.

22 "Large packaged air-conditioning equipment." An air-cooled,
23 electrically operated, single package central air conditioner
24 and single package central air-conditioning heat pump for
25 commercial application which is rated at or above 240,000 BTUs
26 per hour and below 750,000 BTUs per hour cooling capacity.

27 "Low voltage dry-type distribution transformer." A
28 distribution transformer that:

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

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

1 (3) is air-cooled; and

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

3 "Multifunction device." A physically integrated electronic
4 device that has the core function of a digital cable television
5 box and one or more major additional functionalities, including,
6 but not limited to, Internet access, personal digital recording
7 or video game operation.

8 "Pass-through cabinet." A commercial refrigerator or
9 commercial freezer with hinged or sliding doors on both the
10 front and rear thereof.

11 "Reach-in cabinet." A commercial refrigerator, commercial
12 refrigerator-freezer or commercial freezer with hinged or
13 sliding doors or lids but excluding a roll-in or roll-through
14 cabinet and pass-through cabinet.

15 "Roll-in or roll-through cabinet." A commercial refrigerator
16 or commercial freezer with hinged or sliding doors that allows
17 wheeled racks of product to be rolled into or through the
18 refrigerator or freezer.

19 "Torchiere lighting fixture." A portable electric lighting
20 fixture with a reflector bowl giving light directed upward so as
21 to give indirect illumination.

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

28 "Transformer." A device consisting essentially of two or
29 more coils of insulated wire that transfers alternating current
30 by electromagnetic induction from one coil to another in order

1 to change the original voltage or current value.

2 "Unit heater." A self-contained fan-type heater that uses
3 natural gas, propane or fuel oil and that is designed to be
4 installed within a heated space in a commercial or industrial
5 building. The term includes an apparatus or appliance that
6 supplies heat and a fan for circulating air over a heat exchange
7 surface enclosed in a common casing. The term does not include
8 "warm air furnaces" as specifically defined under the Energy
9 Policy Act of 1992 (Public Law 102-486, 42 U.S.C. § 13201 et
10 seq.).

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) Commercial clothes washers.
- 17 (2) Commercial refrigerators and freezers.
- 18 (3) Illuminated exit signs.
- 19 (4) Large packaged air-conditioning equipment.
- 20 (5) Low voltage dry-type distribution transformers.
- 21 (6) Torchiere lighting fixtures.
- 22 (7) Traffic signal modules.
- 23 (8) Unit heaters.

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

- 26 (1) New products manufactured in this Commonwealth and
27 sold outside this Commonwealth.
- 28 (2) New products manufactured outside this Commonwealth
29 and sold at wholesale inside this Commonwealth for final
30 retail sale and installation outside this Commonwealth.

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

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

Section 4. Efficiency standards.

Not later than January 1, 2005, the commission shall adopt regulations establishing minimum efficiency standards for the types of new products set forth in section 3. The regulations shall provide for the following minimum efficiency standards:

(1) Commercial clothes washers shall meet, not later than January 1, 2007, the requirements shown in ~~Table P-3 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.~~ 10 CFR 430.32(G)(2) (RELATING TO ENERGY AND WATER CONSERVATION STANDARDS AND EFFECTIVE DATES).

(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.

(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.

(4) Large packaged air-conditioning equipment shall meet the ASHRAE 90.1 energy standards established for this category of equipment.

(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.

(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.

(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.

(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 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) 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

1 a finding to that effect, but in no event shall the finding
2 issue later than 30 days after adoption of such standards by
3 the other state or states.

4 (2) For the purpose of this subsection, a state is
5 deemed to have adopted a standard as of the date an act that
6 incorporates standards within the act itself or that directs
7 an agency of that state to adopt standards is signed into
8 law.

9 (c) Effective date of standards.--

10 (1) Notwithstanding the provisions of subsections (a)
11 and (b), energy efficiency standards adopted by the
12 commission pursuant to section 4 shall take effect no earlier
13 than two years after a finding issued by the commission that
14 a combination of states within the group of Maine, New
15 Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut,
16 New York, New Jersey and Maryland, with a minimum aggregate
17 population of 13,000,000 have adopted an energy efficiency
18 standard for a product that is the same as or more stringent
19 than the energy efficiency standard ~~for a product that is the~~ <—
20 ~~same as or more stringent than the energy efficiency standard~~
21 adopted by the commission for the product.

22 (2) No product identified by a determination of the
23 commission under subsection (b) may be sold, offered for
24 sale, or installed in this Commonwealth unless the efficiency
25 of the product meets or exceeds the energy efficiency
26 standard adopted by the commission.

27 Section 6. Administration.

28 (a) Testing.--If the procedures for testing the energy
29 efficiency of the new products covered by section 3 are not
30 provided for by State law, the commission shall use the

1 Department of Energy approved test methods or, in the absence of
2 such test methods, other appropriate nationally recognized test
3 methods. The manufacturers of such products shall provide
4 samples to be tested in accordance with the test procedures
5 adopted pursuant to this act or those specified in other State
6 law.

7 (b) Manufacturer certification.--Manufacturers of products
8 covered by section 3 shall certify to the commission that such
9 products are in compliance with the provisions of this act. The
10 commission shall adopt regulations governing the certification
11 of the products and may work in coordination with the
12 certification program of other states with like standards.

13 (c) Identification.--Manufacturers of products covered by
14 section 3 shall identify each product offered for sale or
15 installed in this Commonwealth as in compliance with the
16 provisions of this act by means of a mark, label or tag on the
17 product and packaging at the time of sale or installation. The
18 commission shall adopt regulations governing the identification
19 of the products and packaging and may work in coordination with
20 the labeling programs of other states with like standards.

21 (d) Noncomplying tested products.--The commission may test a
22 product covered by section 3 using an accredited testing
23 facility. If a product so tested is found not to be in
24 compliance with the minimum efficiency standards established
25 under section 4, the commission shall:

26 (1) Charge the manufacturer of the product for the cost
27 of product purchase and testing.

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

29 (e) Periodic inspection.--The commission may cause periodic
30 inspections to be made of distributors or retailers of new

1 products covered by section 3 in order to determine compliance
2 with the provisions of this act. The commission shall cooperate
3 with other administrative departments to coordinate on
4 inspections for new products that are also covered by other
5 state laws.

6 (f) Investigations and penalty.--

7 (1) The Attorney General shall investigate complaints
8 received concerning violations of this act. The Attorney
9 General may institute proceedings to enforce the provisions
10 of this act.

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

14 (3) Repeat violations shall be subject to a civil
15 penalty of not more than \$250. Each violation shall
16 constitute a separate offense and each day that such
17 violation continues shall constitute a separate offense.

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

20 (g) Regulations.--The commission shall adopt regulations as
21 necessary to insure the proper implementation and enforcement of
22 the provisions of this act.

23 Section 7. Severability.

24 The provisions of this act are severable. If any provision of
25 this act or its application to any person or circumstance is
26 held invalid, the invalidity shall not affect other provisions
27 or applications of this act which can be given effect without
28 the invalid provision or application.

29 Section 8. Effective date.

30 This act shall take effect in 60 days.