
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 595 Session of
2015

INTRODUCED BY BRIGGS, COHEN, FRANKEL, THOMAS, VITALI, MURT,
ROZZI, McCARTER AND KINSEY, FEBRUARY 24, 2015

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 24, 2015

AN ACT

1 Providing for minimum energy efficiency standards for certain
2 appliances and equipment; providing for authority of the
3 Secretary of Environmental Protection and for the powers and
4 duties of the Department of Environmental Protection;
5 imposing duties on the Environmental Quality Board; imposing
6 penalties; providing for the powers and duties of the
7 Attorney General; establishing the Appliance Energy
8 Efficiency Fund; and making an appropriation.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Short title.

12 This act shall be known and may be cited as the Appliance
13 Energy Efficiency Standards Act.

14 Section 2. Definitions.

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

18 "Art work light fixture." A light fixture designed only to
19 be mounted directly to or adjacent to art work and for the
20 purpose of illuminating that art work.

1 "Attorney General." The Attorney General of the
2 Commonwealth.

3 "Board." The Environmental Quality Board of the
4 Commonwealth.

5 "Bottle-type water dispenser." A water dispenser that uses a
6 bottle or reservoir as the source of potable water.

7 "Combination television." A system in which a television or
8 television monitor and an additional device or devices,
9 including, but not limited to, a DVD player or a VCR, are
10 combined into a single unit in which the additional devices are
11 included in the television casing.

12 "Commercial hot food holding cabinet." A heated, fully
13 enclosed compartment with one or more doors that is designed to
14 maintain the temperature of hot food that has been cooked in a
15 separate appliance. The term does not include heated glass
16 merchandising cabinets, drawer warmers or cook-and-hold
17 appliances.

18 "Component television." A television composed of two or more
19 separate components marketed and sold as a television under one
20 model or system designation. An example of a component
21 television is a separate display device and tuner that is sold
22 as a model or a system. A component television may have more
23 than one power cord.

24 "Computer monitor." An analog or digital device designed
25 primarily for the display of computer-generated signals and that
26 is not marketed for use as a television.

27 "Covered product." New products sold, offered for sale or
28 installed in this Commonwealth that are subject to the terms of
29 this act.

30 "Department." The Department of Environmental Protection of

1 the Commonwealth.

2 "Department of Energy." The United States Department of
3 Energy.

4 "EPA." The United States Environmental Protection Agency.

5 "Fund." The Appliance Energy Efficiency Fund established in
6 section 10.

7 "LED light engine." A subsystem of an LED light fixture that
8 includes one or more LED components, including an LED driver
9 power source with electrical and mechanical interfaces, and an
10 integral heat sink to provide thermal dissipation and that may
11 be designed to accept additional components that provide
12 aesthetic, optical and environmental control.

13 "LED light fixture." A complete lighting unit consisting of
14 an LED light source, with one or more LED lamps or LED light
15 engines, together with parts to distribute light, to position
16 and protect the light source and to connect the light source to
17 electrical power.

18 "Light fixture." A product designed to provide light that
19 includes at least one lamp socket and parts to distribute the
20 light, to position or protect one or more lamps and to connect
21 one or more lamps to a power supply.

22 "Portable electric spa." A factory-built electric spa or hot
23 tub, supplied with equipment for heating and circulating water.

24 "Portable light fixture." A light fixture that has a
25 flexible cord and an attachment plug for connection to a nominal
26 120-volt circuit that allows the user to relocate the product
27 without rewiring and that typically can be controlled with a
28 switch on the product or the power cord of the product. The term
29 does not include art work light fixtures, direct plug-in night
30 lights, sun or heat lamps, medical or dental lights, portable

1 electric hand lamps, signs or commercial advertising displays,
2 photographic lamps, germicidal lamps or light fixtures for
3 marine use or for use in hazardous locations as those terms are
4 designated in ANSI/NFPA 70 of the National Electrical Code, or
5 its successor standard. The term does not include decorative
6 lighting strings, decorative lighting outfits or electric
7 candles or candelabra without lamp shades that are covered under
8 Underwriter Laboratories standard 588 "Seasonal and Holiday
9 Decorative Products," or its successor standard.

10 "Secretary." The Secretary of Environmental Protection of
11 the Commonwealth.

12 "Television." An analog or digital device designed primarily
13 for the display and reception of a terrestrial, satellite, cable
14 Internet Protocol TV or other broadcast or recorded transmission
15 of analog or digital signals. The term includes combination
16 televisions, television monitors, component televisions and a
17 product marketed as a television. The term does not include
18 computer monitors.

19 "Television monitor." A television that does not have an
20 internal tuner or receiver or a playback device.

21 "Total horsepower." The product of a motor's service factor
22 and nameplate horsepower.

23 "Water dispenser." A factory-made assembly that mechanically
24 cools and heats potable water and that dispenses the cooled or
25 heated water by integral or remote means.

26 Section 3. Scope.

27 (a) Applicability.--This act shall apply to the testing,
28 certification and enforcement of efficiency standards for a
29 covered product.

30 (b) Exclusions.--This act shall not apply to the following:

1 (1) a new product manufactured in this Commonwealth and
2 sold outside this Commonwealth;

3 (2) a new product manufactured outside this Commonwealth
4 and sold at wholesale inside this Commonwealth for final
5 retail sale and installation outside this Commonwealth;

6 (3) a product installed in manufactured homes at the
7 time of construction; and

8 (4) a product designed expressly for installation and
9 use in recreational vehicles.

10 Section 4. Efficiency standards.

11 In accordance with section 6, the secretary may adopt minimum
12 efficiency standards and other requirements to meet the purposes
13 of this act. For covered products, the standards shall be no
14 less stringent than the following minimum efficiency standards:

15 (1) Bottle-type water dispensers designed for dispensing
16 both hot and cold water may not have standby energy
17 consumption greater than 1.2 kilowatt hours per day, as
18 measured in accordance with the test criteria contained in
19 version 1 of the EPA's "Energy Star Program Requirements for
20 Bottled Water Coolers," except units with an integral,
21 automatic timer may not be tested using Section D, "Timer
22 Usage," of the test criteria.

23 (2) Commercial hot food holding cabinets with interior
24 volume of eight cubic feet or greater shall have a maximum
25 idle energy rate of 40 watts per cubic foot of interior
26 volume, as determined by the "idle energy rate-dry test" in
27 ASTM F2140-01, "Standard Test Method for Performance of Hot
28 Food Holding Cabinets" published by ASTM International.
29 Interior volume shall be measured in accordance with the
30 method shown in the EPA's "Energy Star Program Requirements

1 for Commercial Hot Food Holding Cabinets" as in effect on
2 August 15, 2003.

3 (3) Portable light fixtures shall meet one or more of
4 the following requirements:

5 (i) Be a fluorescent light fixture that meets the
6 requirements of the EPA's "Energy Star Program for
7 Residential Light Fixtures Version 4.2."

8 (ii) Be equipped with only one or more GU-24 line
9 voltage sockets, not be rated for use with incandescent
10 lamps, as defined in American National Standard Institute
11 standards, and meet the requirements of the EPA's "Energy
12 Star Program for Residential Light Fixtures Version 4.2,"
13 including line voltage or low voltage.

14 (iii) Be an LED light fixture or a light fixture
15 with an LED light engine and comply with the following
16 minimum requirements:

17 (A) Minimum light output: 200 lumens - initial.

18 (B) Minimum LED light engine efficacy: 40
19 lumens/watt in fixtures that meet the minimum light
20 fixture efficacy of 29 lumens/watt or, alternatively,
21 a minimum LED light engine efficacy of 60 lumens/watt
22 for fixtures that do not meet the minimum light
23 fixture efficacy of 29 lumens per watt.

24 (C) The portable fixtures shall have a minimum
25 LED light fixture efficacy of 29 lumens/watt and a
26 minimum LED light engine efficacy of 60 lumens/watt
27 by January 1, 2020.

28 (D) Color Correlated Temperature: 2700K through
29 4000K.

30 (E) Minimum Color Rendering Index: 75.

1 (F) Power factor equal to or greater than 0.70.

2 (G) Portable light fixtures that have internal
3 power supplies shall have zero standby power when the
4 light fixture is turned off.

5 (H) LED light sources shall deliver at least 70%
6 of initial lumens for at least 25,000 hours.

7 (iv) Be equipped with a screw socket designated E12,
8 E17 or E26 by the American National Standards Institute
9 and be prepackaged and sold together with one screw-based
10 compact fluorescent lamp or screw-based LED lamp for each
11 screw-based socket on the light fixture. The compact
12 fluorescent or LED lamps prepackaged with the light
13 fixture shall be fully compatible with a light fixture
14 control incorporated into the light fixture, such as
15 light fixtures with dimmers packed with dimmable lamps.
16 Compact fluorescent lamps prepackaged with light fixtures
17 shall meet the requirements of the EPA's "Energy Star
18 Program for CFLs, Version 4.0."

19 (v) Be equipped with one or more single-ended, non-
20 screw-based halogen lamp sockets, line or low voltage, a
21 dimmer control or high-low control, and be rated for a
22 maximum of 100W.

23 (4) Portable electric spas shall meet the requirements
24 contained in ANSI/APSP/ICC 14 of 2011, the American National
25 Standard for Portable Electric Spa Energy Efficiency,
26 including a normalized standby power not greater than $5(V^2/3)$
27 Watts where V equals the fill volume in gallons, as measured
28 in accordance with the test method for portable electric spas
29 contained in ANSI/APSP/ICC 14 of 2011.

30 (5) Televisions with a viewable screen area no greater

1 than 1400 square inches shall:

2 (i) use no more than $(0.12 \times \text{viewable screen area}$
3 $(\text{in}^2) + 25$) watts in on mode;

4 (ii) use no more than one (1) watt in standby
5 passive mode; and

6 (iii) have a peak luminance in the preset mode
7 designed for typical home use and for the default mode as
8 shipped that is no less than 65% of the peak luminance at
9 the brightest setting.

10 Section 5. Implementation.

11 (a) Sale of new products.--On or after January 1, 2017, no
12 covered product may be sold or offered for sale in this
13 Commonwealth unless the efficiency of the covered product meets
14 or exceeds the efficiency standards set forth in this section or
15 adopted under section 6.

16 (b) Installation of new products.--On or after January 1,
17 2018, no covered product may be installed in this Commonwealth
18 unless the efficiency of the new product meets or exceeds the
19 efficiency standards set forth in section 4 or adopted under
20 section 6.

21 Section 6. New and revised standards.

22 (a) Authority of board.--The board may establish new or
23 increased efficiency standards for covered products by
24 regulation. The board may also establish standards for products
25 not included in the definition of covered products. In
26 considering new or amended standards, the board shall set
27 efficiency standards upon a determination that increased
28 efficiency standards would promote energy conservation in the
29 State and would be cost-effective for consumers who purchase and
30 use the new products, provided that no new or increased

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

4 (b) Secretary's authority.--Notwithstanding subsection (a),
5 and in order to facilitate the speedy implementation of this
6 act, the secretary may adopt new or increased energy efficiency
7 standards for covered products through guidelines that shall be
8 published in the Pennsylvania Bulletin. The guidelines shall not
9 be subject to review under section 204(b) of the act of October
10 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys
11 Act, and shall not be subject to review under the act of June
12 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.
13 The guidelines shall be effective until the board adopts a final
14 rulemaking establishing new or increased energy efficiency
15 standards relating to that covered product.

16 (c) Standard determinations.--In order to exercise the
17 authority in subsection (b), the secretary must determine that
18 the following apply:

19 (1) The standards will promote energy conservation in
20 this Commonwealth.

21 (2) The standards will be cost effective for consumers
22 who purchase and use the products.

23 (3) The standards are used by the industry and are
24 publicly available in the United States.

25 (4) Products that meet the standards are widely
26 available for purchase at retailers in this Commonwealth.

27 (d) Adopted standards.--Standards adopted under subsection
28 (b) shall not become effective until six months following
29 publication in the Pennsylvania Bulletin.

30 (e) Waiver.--The department may apply for a waiver of

1 Federal preemption in accordance with section 327 of the Energy
2 Policy and Conservation Act (Public Law 94-163, 89 Stat. 871).
3 Section 7. Administration.

4 (a) Testing.--If the procedures for testing the energy
5 efficiency of covered products are not provided under State law,
6 the department shall use the Department of Energy-approved test
7 methods or, in the absence of such test methods, other
8 appropriate nationally or State-recognized test methods. The
9 manufacturers of covered products shall provide to the
10 department, certification of the test data of the samples tested
11 in accordance with the test procedures adopted under this act or
12 those specified in other State law.

13 (b) Manufacturer certification.--Manufacturers of covered
14 products shall certify to the department that the products are
15 in compliance with the provisions of this act. The board shall
16 adopt regulations governing the certification of the products
17 and may work in coordination with the certification program of
18 other states with like standards.

19 (c) Reciprocity.--The board shall adopt regulations
20 governing the certification of new products and may coordinate
21 with the certification programs of other states with similar
22 standards. A manufacturer that certified a product to another
23 state or to the EPA Energy Star Program may provide the
24 department with a copy of the certification that the
25 manufacturer made to the other state or agency in place of a
26 separate certification to the department, provided that:

27 (1) the other state's standards or the Energy Star
28 specifications are equivalent to or more stringent than the
29 standards established under this act; and

30 (2) the information required by the regulations adopted

1 under paragraph (1) is included in the certification.

2 (d) Identification.--A manufacturer of covered products
3 shall identify that each product offered for sale or installed
4 in this Commonwealth is in compliance with the provisions of
5 this act by means of a mark, label or tag on the product and
6 packaging at the time of sale or installation. The board shall
7 adopt regulations governing the identification of the products
8 and packaging and may work in coordination with the labeling
9 programs of other states with like standards.

10 (e) Noncompliant tested products.--The department may test a
11 covered product using an accredited testing facility. The board
12 shall adopt regulations governing the identification testing
13 protocols from similar states or the EPA Energy Star Program and
14 may work in coordination with testing programs of other states
15 with like standards or the EPA Energy Star Program. If a product
16 is tested and is not in compliance with the minimum efficiency
17 standards established under section 6 or adopted under this
18 section, the department shall:

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

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

22 (f) Periodic inspection.--The department may cause periodic
23 inspections to be made of distributors or retailers of covered
24 products in order to determine compliance with the provisions of
25 this act. The department shall cooperate with other Commonwealth
26 agencies to coordinate inspections for covered products that are
27 covered by other State laws.

28 (g) Regulations.--The board shall adopt regulations as
29 necessary to ensure the proper implementation and enforcement of
30 the provisions of this act.

1 Section 8. Unlawful conduct.

2 It shall be unlawful to:

3 (1) fail to comply with, or to cause or assist in the
4 violation of, a provision of this act or a rule, regulation
5 or guideline adopted under this act;

6 (2) fail to comply with an order of the department;

7 (3) hinder, obstruct, prevent or interfere with the
8 department or its personnel in the performance of a duty
9 under this act; or

10 (4) violate the provisions of 18 Pa.C.S. § 4903
11 (relating to false swearing) or 4904 (relating to unsworn
12 falsification to authorities) in regard to papers required to
13 be submitted under this act.

14 Section 9. Civil penalties and remedies.

15 (a) Civil penalty.--

16 (1) In addition to proceeding under another remedy, for
17 a violation of a provision of this act or a rule or
18 regulation adopted or order issued under this act, the
19 department may assess a civil penalty of not more than \$250
20 for the first day of each offense and \$250 for each
21 additional day of continuing violation. In determining the
22 amount of the penalty, the department may consider:

23 (i) The extent of the violation.

24 (ii) The willfulness of the violation.

25 (iii) Previous violations.

26 (iv) The economic benefit to the violator for
27 failing to comply with this act.

28 (2) Whenever the department finds it appropriate, the
29 department may issue a warning in lieu of assessing a penalty
30 where the manufacturer, distributor or retailer takes

1 immediate action to resolve the violation and come into
2 compliance.

3 (b) Collection.--In cases of inability to collect the civil
4 penalty or failure of a person to pay all or a portion of the
5 penalty, as the department may determine, the department may
6 refer the matter to the Office of Attorney General. The Office
7 of Attorney General shall take appropriate action to recover the
8 penalty. A penalty assessed shall act as a lien on the property
9 of the person against whom the penalty has been assessed.

10 (c) Civil remedies.--In order to restrain or prevent a
11 violation of this act or the rules and regulations promulgated
12 under this act or an order issued under this act, suits may be
13 instituted in equity or at law. These proceedings may be
14 prosecuted in Commonwealth Court or in the court of common pleas
15 of the county where the activity has taken place, the condition
16 exists or the public is affected. In addition to an injunction,
17 the court in an equity proceeding may assess civil penalties in
18 accordance with this section. The court may, in its decree, fix
19 a reasonable time during which the person responsible for the
20 violation may make provision for the abatement of the violation.
21 Section 10. Appliance Energy Efficiency Fund.

22 There is established a special nonlapsing account in the
23 General Fund to be known as the Appliance Energy Efficiency
24 Fund. The fees, fines, judgments, bond forfeitures, interest and
25 recovered costs collected by the department under this act shall
26 be paid into the Appliance Energy Efficiency Fund. The money
27 placed in the Appliance Energy Efficiency Fund and the interest
28 it accrues are hereby appropriated, upon authorization by the
29 Governor, to the department for the costs of implementing the
30 energy efficiency program established by this act.

1 Section 11. Enforcement orders.

2 The department may issue orders as necessary to aid in the
3 enforcement of the provisions of this act. An order issued under
4 this section shall take effect upon notice unless the order
5 specifies otherwise.

6 Section 12. Powers reserved under existing laws.

7 This act shall not limit the powers conferred upon the
8 department or the Office of Attorney General under laws other
9 than this act, including the act of December 4, 1996 (P.L.906,
10 No.146), known as the Unfair Trade Practices and Consumer
11 Protection Law. This act shall not alter other rights of action
12 or remedies. A court exercising general equitable jurisdiction
13 may not be deprived of jurisdiction even though a violation of
14 this act is subject to regulation or other action by the
15 Commonwealth. The collection of a penalty imposed under the
16 provisions of this act may not be construed as estopping the
17 Commonwealth from proceeding in courts of law or equity to
18 address violations of this act or rules, regulations and
19 guidelines adopted under this act or an order of the department.

20 Section 13. Severability.

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

26 Section 14. Effective date.

27 This act shall take effect in 60 days.