
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2136 Session of
2019

INTRODUCED BY THOMAS, O'MARA, BULLOCK, CIRESI, COMITTA, DALEY,
DIGIROLAMO, DONATUCCI, FIEDLER, FRANKEL, FREEMAN, GALLOWAY,
HOWARD, KENYATTA, MADDEN, MALAGARI, McCLINTON, RABB,
RAVENSTAHL, READSHAW, SANCHEZ, SCHLOSSBERG, SIMS, SOLOMON,
STEPHENS, STURLA, ULLMAN, VITALI, WEBSTER AND ZABEL,
DECEMBER 16, 2019

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, DECEMBER 16, 2019

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.

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

7 Section 1. Part I of Title 66 of the Pennsylvania
8 Consolidated Statutes is amended by adding a chapter to read:

9 CHAPTER 34

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

12 Sec.

13 3401. Short title of chapter.

14 3402. General purpose, legislative findings and scope of
15 chapter.

16 3403. Definitions.

17 3404. Standards.

1 3405. Implementation.

2 3406. New and revised standards and regulations.

3 3407. Protection against repeal of Federal standards.

4 3408. Testing, certification, labeling and enforcement.

5 3409. Severability.

6 § 3401. Short title of chapter.

7 This chapter shall be known and may be cited as the

8 Pennsylvania Energy and Water Efficiency Standards Act.

9 § 3402. General purpose, legislative findings and scope of

10 chapter.

11 (a) General purpose.--This chapter establishes minimum
12 efficiency standards for certain products sold or installed in
13 this Commonwealth.

14 (b) Legislative findings.--The legislature finds that:

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

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

29 (3) The efficiency standards save energy and thus reduce
30 pollution and other environmental impacts associated with the

1 production, distribution and use of electricity, natural gas
2 and other fuels.

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

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

13 (c) Scope.--The provisions of this chapter apply to:

- 14 (1) Air purifiers.
- 15 (2) Commercial dishwashers.
- 16 (3) Commercial fryers.
- 17 (4) Commercial hot-food holding cabinets.
- 18 (5) Commercial ovens.
- 19 (6) Commercial steam cookers.
- 20 (7) Faucets.
- 21 (8) General service lamps.
- 22 (9) High CRI, cold-temperature and impact-resistant
23 fluorescent lamps.
- 24 (10) Portable electric spas.
- 25 (11) Residential ventilating fans.
- 26 (12) Showerheads.
- 27 (13) Spray sprinkler bodies.
- 28 (14) Urinals.
- 29 (15) Water closets.
- 30 (16) Water coolers.

1 (17) Any other products as may be designated by the
2 chairperson in accordance with this section or by operation
3 of law under section 3408 (relating to testing,
4 certification, labeling and enforcement).

5 (d) Limitation.--Nothing in this chapter shall be construed
6 to apply to:

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

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

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

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

16 § 3403. Definitions.

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

20 "Air purifier" or "room air cleaner." An electric, cord-
21 connected portable appliance with the primary function of
22 removing particulate matter from the air.

23 "Chairperson." The chairperson of the Pennsylvania Public
24 Utility Commission.

25 "Cold-only units." A water dispenser that emits cold water
26 only.

27 "Cold-temperature fluorescent lamp." A fluorescent lamp that
28 is not a compact fluorescent lamp that:

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

1 and ANSI C78.901; and

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

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

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

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

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

27 "Commercial steam cooker" or "compartment steamer." A device
28 with one or more food-steaming compartments in which the energy
29 in the steam is transferred to the food by direct contact. The
30 term may include countertop models, wall-mounted models and

1 floor models mounted on a stand, pedestal or cabinet-style base.

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

5 "Cook and cold units." A water dispenser that emits both
6 cold and room-temperature water.

7 "Dual-duct portable air conditioner." A portable air
8 conditioner that draws some or all of the condenser inlet air
9 from outside the conditioned space through a duct attached to an
10 adjustable window bracket. The term includes a device that may
11 draw additional condenser inlet air from the conditioned space
12 and discharges the condenser outlet air outside the conditioned
13 space by means of a separate duct attached to an adjustable
14 window bracket.

15 "Dual-flush effective flush volume." The average flush
16 volume of two reduced flushes and one full flush.

17 "Dual-flush water closet." A water closet incorporating a
18 feature that allows the user to flush the water closet with
19 either a reduced or full volume of water.

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

21 "Faucet." A lavatory faucet, kitchen faucet, metering
22 faucet, public lavatory faucet or replacement aerator for a
23 lavatory, public lavatory or kitchen faucet.

24 "General service lamp." The following:

25 (1) A lamp that:

26 (i) has an ANSI base and is able to operate at a
27 voltage of:

28 (A) 12 volts or 24 volts;

29 (B) at or between 100 and 130 volts;

30 (C) at or between 220 and 240 volts;

1 (D) 277 volts for integrated lamps. For the
2 purpose of this clause, the term "integrated lamp"
3 means a lamp that contains all components necessary
4 for the starting and stable operation of the lamp,
5 not including any replaceable or interchangeable
6 parts, and is connected directly to a branch circuit
7 through an ANSI base and corresponding ANSI standard
8 lamp-holder or socket;

9 (E) or is able to operate at any voltage for
10 lamps that are not integrated lamps;

11 (ii) has an initial lumen output of greater than or
12 equal to 310 lumens or 232 lumens for modified spectrum
13 general service incandescent lamps and less than or equal
14 to 3,300 lumens;

15 (iii) is not a light fixture;

16 (iv) is not an LED downlight retrofit kit; and

17 (v) is used in general lighting applications.

18 (2) The term includes:

19 (i) general service incandescent lamps. For the
20 purpose of this subparagraph, the term "general service
21 incandescent lamp" means a standard incandescent or
22 halogen type lamp that is intended for general service
23 applications, has a medium screw base, has a lumen range
24 of not less than 310 lumens and not more than 2,600
25 lumens or, in the case of a modified spectrum lamp, not
26 less than 232 lumens and not more than 1,950 lumens and
27 is capable of being operated at a voltage range at least
28 partially within 110 and 130 volts. For the purpose of
29 this subparagraph, the term shall not include the
30 following incandescent lamps:

- 1 (A) an appliance lamp;
2 (B) a black light lamp;
3 (C) a bug lamp;
4 (D) a colored lamp;
5 (E) a G-shaped lamp with a diameter of 5 inches
6 or more as defined in ANSI C79.1-2002;
7 (F) an infrared lamp;
8 (G) a left-hand thread lamp;
9 (H) a marine lamp;
10 (I) a marine signal service lamp;
11 (J) a mine service lamp;
12 (K) a plant light lamp;
13 (L) an R20 short lamp;
14 (M) a sign service lamp;
15 (N) a silver bowl lamp;
16 (O) a showcase lamp; and
17 (P) a traffic signal lamp;
18 (ii) compact fluorescent lamps;
19 (iii) general service light-emitting diode lamps. As
20 used in this subparagraph, the term "general service
21 light-emitting diode lamp" means an integrated or non-
22 integrated light-emitting diode lamp designed for use in
23 general lighting applications and that uses light-
24 emitting diodes as the primary source of light; and
25 (iv) general service organic light-emitting diode
26 lamps. As used in this subparagraph, the term "general
27 service organic light-emitting diode" means an integrated
28 or non-integrated organic light-emitting diode lamp
29 designed for use in general lighting applications and
30 that uses organic light-emitting diodes as the primary

1 source of light.

2 (3) The term does not include:

3 (i) an appliance lamp;

4 (ii) a black light lamp;

5 (iii) a bug lamp;

6 (iv) a colored lamp;

7 (v) a G-shaped lamp with a diameter of 5 inches or
8 more as defined in ANSI C79.1-2002;

9 (vi) a general service fluorescent lamp;

10 (vii) a high intensity discharge lamp;

11 (viii) an infrared lamp;

12 (ix) a J, JC, JCD, JCS, JCV, JCX, JD, JS and JT
13 shaped lamp that does not have an Edison screw base;

14 (x) a lamp that has a wedge base or prefocus base;

15 (xi) a left-hand thread lamp;

16 (xii) a marine lamp;

17 (xiii) a marine signal service lamp;

18 (xiv) a mine service lamp;

19 (xv) an MR-shaped lamp that has a first number
20 symbol equal to 16 and diameter equal to 2 inches, as
21 defined in ANSI C79.1-2002, which operates at 12 volts
22 and has a lumen output greater than or equal to 800;

23 (xvi) other fluorescent lamps;

24 (xvii) a plant light lamp;

25 (xviii) an R20 short lamp;

26 (xix) a reflector lamp that has a first number
27 symbol less than 16, diameter less than 2 inches, as
28 defined in ANSI C79.1-2002 and that does not have
29 E26/E24, E26d, E26/50x39, E26/53x39, E29/28, E29/53x39,
30 E39, E39d, EP39 or EX39 bases;

1 (xx) an S-shaped or G-shaped lamp that has a first
2 number symbol less than or equal to 12.5 and diameter
3 less than or equal to 1.5625 inches, as defined in ANSI
4 C79.1-2002;

5 (xxi) a sign service lamp;

6 (xxii) a silver bowl lamp;

7 (xxiii) a showcase lamp;

8 (xxiv) a specialty MR lamp;

9 (xxv) a T-shaped lamp that has a first number symbol
10 less than or equal to 8, diameter less than or equal to 1
11 inch, as defined in ANSI C79.1-2002, nominal overall
12 length less than 12 inches and that is not a compact
13 fluorescent lamp;

14 (xxvi) a traffic signal lamp; and

15 (xxvii) an incandescent reflector lamp.

16 "Hand-held showerhead." A showerhead that can be held or
17 fixed in place for the purpose of spraying water onto a bather
18 and that is connected to a flexible hose.

19 "High color rendering index (CRI) fluorescent lamp." A
20 fluorescent lamp with a color rendering index of 87 or greater
21 that is not a compact fluorescent lamp.

22 "Hot and cold units." A water dispenser that emits both hot
23 and cold water. The term includes a dispenser that emits room-
24 temperature water.

25 "Impact-resistant fluorescent lamp." A fluorescent lamp that
26 is not a compact fluorescent lamp that:

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

30 (2) is designated and marketed for the intended

1 application with:

2 (i) the designation on the lamp packaging; and

3 (ii) marketing materials that identify the lamp as
4 being impact resistant, shatter resistant, shatter proof
5 or shatter protected.

6 "Industrial air purifier." An indoor air cleaning device
7 manufactured, advertised, marketed, labeled and used solely for
8 industrial use that is marketed solely through industrial supply
9 outlets or businesses and prominently labeled as "Solely for
10 industrial use. Potential health hazard: emits ozone."

11 "Metering faucet." A fitting that, when turned on, will
12 gradually shut itself off over a period of several seconds.

13 "On demand." The heating of water in a water cooler over an
14 unspecified period of time after requesting water.

15 "Plumbing fixture." An exchangeable device that connects to
16 a plumbing system to deliver and drain away water and waste.

17 "Portable electric spa." A factory-built electric spa or hot
18 tub that may or may not include any combination of integral
19 controls, water heating or water circulating equipment.

20 "Pressure regulator." A device that maintains constant
21 operating pressure immediately downstream from the device, given
22 higher pressure upstream.

23 "Public lavatory faucet." A fitting intended to be installed
24 in nonresidential bathrooms that are exposed to walk-in traffic.

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

27 "Residential ventilating fan." A ceiling-mounted, wall-
28 mounted or remotely mounted in-line fan designed to be used in a
29 bathroom or utility room, whose purpose is to move air from
30 inside the building to the outdoors.

1 "SACC." Seasonally adjusted cooling capacity in British
2 thermal units (BTU) per hour.

3 "Showerhead." A device through which water is discharged for
4 a shower or bath. The term includes a hand-held showerhead but
5 does not include a safety-shower showerhead.

6 "Single-duct portable air conditioner." A portable air
7 conditioner that draws all of the condenser inlet air from the
8 conditioned space without the means of a duct and discharges the
9 condenser outlet air outside the conditioned space through a
10 single duct attached to an adjustable window bracket.

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

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

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

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

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

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

28 § 3404. Standards.

29 (a) Regulations.--Not later than one year after the
30 effective date of this section, the chairperson, in consultation

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

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

10 (1) Air purifiers, except industrial air purifiers,
11 shall meet the following requirements as measured in
12 accordance with version 2.0 of the EPA's "Energy Star Program
13 Requirements Product Specification for Room Air Cleaners":

14 (i) clean air delivery rate (CADR) for dust shall be
15 30 or greater;

16 (ii) for models with a CADR for smoke less than 100,
17 CADR/Watt for smoke shall be greater than or equal to
18 1.7;

19 (iii) for models with a CADR for smoke greater than
20 or equal to 100 and less than 200, CADR/Watt for smoke
21 shall be greater than or equal to 1.9;

22 (iv) for models with a CADR for smoke greater than
23 or equal to 200, CADR/Watt for smoke shall be greater
24 than or equal to 2.1;

25 (v) for ozone-emitting models, measured ozone shall
26 be less than or equal to 50 parts per billion (ppb);

27 (vi) for models with a Wi-Fi network connection
28 enabled by default when shipped, partial on-mode power
29 shall not exceed 2 watts; and

30 (vii) for models without a Wi-Fi network connection

1 enabled by default when shipped, partial on-mode power
2 shall not exceed 1 watt.

3 (2) Commercial dishwashers included in the scope of
4 version 2.0 of the EPA's "Energy Star Program Requirements
5 Product Specification for Commercial Dishwashers" shall meet
6 the qualification criteria of that specification.

7 (3) Commercial fryers included in the scope of version
8 2.0 of the EPA's "Energy Star Program Requirements Product
9 Specification for Commercial Fryers" shall meet the
10 qualification criteria of that specification.

11 (4) Commercial hot-food holding cabinets shall meet the
12 qualification criteria of version 2.0 of the EPA's "Energy
13 Star Program Requirements Product Specification for
14 Commercial Hot Food Holding Cabinets."

15 (5) Commercial ovens included in the scope of version
16 2.2 of the EPA's "Energy Star Program Requirements Product
17 Specification for Commercial Ovens" shall meet the
18 qualification criteria of that specification.

19 (6) Commercial steam cookers shall meet the requirements
20 of version 1.2 of the EPA's "Energy Star Program Requirements
21 Product Specification for Commercial Steam Cookers."

22 (7) Faucets, except for metering faucets, shall meet the
23 following standards when tested in accordance with 10 CFR Pt.
24 430 Appendix S to Subpt. B (relating to uniform test method
25 for measuring the water consumption of faucets and
26 showerheads) in effect on January 3, 2017:

27 (i) Lavatory faucets and replacement aerators may
28 not exceed a maximum flow rate of 1.5 gallons per minute
29 (gpm) at 60 pounds per square inch (psi).

30 (ii) Residential kitchen faucets and replacement

1 aerators may not exceed a maximum flow rate of 1.8 gpm at
2 60 psi, with optional temporary flow of 2.2 gpm, provided
3 they default to a maximum flow rate of 1.8 gpm at 60 psi
4 after each use.

5 (iii) Public lavatory faucets and replacement
6 aerators may not exceed a maximum flow rate of 0.5 gpm at
7 60 psi.

8 (8) General service lamps shall meet or exceed the lamp
9 efficacy of 45 lumens per watt when testing in accordance
10 with the applicable Federal test procedures for general
11 service lamps under 10 CFR 430.23(gg) (relating to test
12 procedures for the measurement of energy and water
13 consumption) in effect on January 3, 2017.

14 (9) High CRI, cold-temperature and impact-resistant
15 fluorescent lamps shall meet the minimum efficiency
16 requirements contained in 10 CFR 430.32(n)(4) (relating to
17 energy and water conservation standards and their compliance
18 dates) in effect on January 3, 2017, as measured in
19 accordance with 10 CFR Pt. 430 Appendix R to Subpt. B
20 (relating to uniform test method for measuring average lamp
21 efficacy (LE), color rendering index (CRI), and correlated
22 color temperature (CCT) of electric lamps) in effect on
23 January 3, 2017.

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

27 (11) Residential ventilating fans shall meet the
28 qualification criteria of version 4.1 of the EPA's "Energy
29 Star Program Requirements Product Specification for
30 Residential Ventilating Fans."

1 (12) Showerheads may not exceed a maximum flow rate of
2 2.0 gpm at 80 psi when tested in accordance with 10 CFR Pt.
3 430 Appendix S to Subpt. B in effect on January 3, 2017.

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

10 (14) Water closets shall pass the waste extraction test
11 for water closets under section 7.9 of the American Society
12 of Mechanical Engineers (ASME) contained in A112.19.2/CSA
13 B45.1 of 2018. Urinals and water closets, other than those
14 designed and marketed exclusively for use at prisons or
15 mental health facilities, shall meet the following standards
16 when tested in accordance with 10 CFR Pt. 430 Appendix T to
17 Subpt. B (relating to uniform test method for measuring the
18 water consumption of water closets and urinals) in effect on
19 January 3, 2017:

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

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

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

29 (iv) Dual-flush tank-type water closets shall have a
30 maximum dual-flush effective flush volume of 1.28 gallons

1 per flush.

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

8 (i) 0.16 kilowatt-hours per day for cold-only units
9 and cook and cold units;

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

12 (iii) 0.18 kilowatt-hours per day for on demand hot
13 and cold units.

14 § 3405. Implementation.

15 (a) Requirement of efficiency.--Except as provided in
16 subsection (b), on or after January 1, 2022, no new device
17 listed under section 3402(c) (relating to general purpose,
18 legislative findings and scope of chapter) may be sold or
19 offered for sale, lease or rent in this Commonwealth unless the
20 efficiency of the new product meets or exceeds the efficiency
21 standards provided in section 3404 (relating to standards).

22 (b) General service lamp compliance.--No later than six
23 months from the date of enactment of this chapter, and as
24 necessary thereafter, the chairperson, in consultation with the
25 Attorney General, shall determine which general service lamps
26 are subject to Federal preemption. On or after six months
27 following the effective date of this section, no general service
28 lamp that is not subject to Federal preemption may be sold or
29 offered for sale in this Commonwealth unless the efficiency of
30 the new product meets or exceeds the efficiency standards

1 provided in section 3404.

2 (c) Restriction on installation.--One year after the date on
3 which the sale or offering for sale of certain products becomes
4 subject to the requirements of subsection (a) or (b), no
5 products may be installed for compensation in this Commonwealth
6 unless the efficiency of the new product meets or exceeds the
7 efficiency standards provided in section 3404.

8 § 3406. New and revised standards and regulations.

9 The commission is authorized to prescribe rules and
10 regulations as it deems necessary to administer and enforce this
11 chapter and to establish increased efficiency standards for the
12 products listed or incorporated in section 3402 (relating to
13 general purpose, legislative findings and scope of chapter). The
14 chairperson may also establish standards for products not
15 specifically listed in section 3402. In considering the new or
16 amended standards, the chairperson, in consultation with the
17 Secretary of Environmental Protection, shall set efficiency
18 standards on a determination that increased efficiency standards
19 would serve to promote energy or water conservation in this
20 Commonwealth and would be cost effective for consumers who
21 purchase and use the new products, provided that no new or
22 increased efficiency standards shall become effective within one
23 year following the adoption of any amended regulations
24 establishing increased efficiency standards.

25 § 3407. Protection against repeal of Federal standards.

26 (a) Minimum standard if Federal standards withdrawn or
27 repealed.--If any of the energy or water conservation standards
28 issued or approved for publication by the Office of the United
29 States Secretary of Energy as of January 1, 2018, under 10 CFR
30 Pts. 430 (relating to energy conservation program for consumer

1 products) and 431 (relating to energy efficiency program for
2 certain commercial and industrial equipment) are withdrawn,
3 repealed or otherwise voided, the minimum energy or water
4 efficiency level permitted for products previously subject to
5 Federal energy or water conservation standards shall be the
6 previously applicable Federal standards, and no new product
7 listed under section 3402 (relating to general purpose,
8 legislative findings and scope of chapter) may be sold or
9 offered for sale, lease or rent in this Commonwealth unless the
10 product meets or exceeds the standards under section 3404
11 (relating to standards).

12 (b) Applicability.--This section shall not apply to any
13 Federal energy or water conservation standard set aside by a
14 court on the petition of a person who will be adversely affected
15 as provided in 42 U.S.C. § 6306(b) (relating to administrative
16 procedure and judicial review).

17 § 3408. Testing, certification, labeling and enforcement.

18 (a) Product testing.--The manufacturer of products covered
19 by this chapter shall test samples of their products in
20 accordance with the test procedures adopted under this chapter.
21 The chairperson may adopt updated test methods when new versions
22 of test procedures become available.

23 (b) Compliance.--Manufacturers of new products covered by
24 section 3402 (relating to general purpose, legislative findings
25 and scope of chapter) shall certify to the chairperson that the
26 products are in compliance with the provisions of this chapter.
27 The certifications shall be based on test results under
28 subsection (a). The commission shall promulgate regulations
29 governing the certification of the products and shall coordinate
30 with the certification programs of other Federal and state

1 agencies with similar standards.

2 (c) Compliance mark, label or tag on product.--Manufacturers
3 of new products covered by section 3402 shall identify each
4 product offered for sale or installation in this Commonwealth as
5 in compliance with the provisions of this chapter by means of a
6 mark, label or tag on the product and packaging at the time of
7 sale or installation. The commission shall promulgate
8 regulations governing the identification of the products and
9 packaging, which shall be coordinated to the greatest practical
10 extent with the labeling programs of other Federal and state
11 agencies with equivalent efficiency standards. The chairperson
12 shall allow the use of existing marks, labels or tags, which
13 connote compliance with the efficiency requirements of this
14 chapter.

15 (d) Chairperson testing permitted.--The chairperson may test
16 products covered by section 3402. If tested products are found
17 not to be in compliance with the minimum efficiency standards
18 established under section 3404 (relating to standards), the
19 chairperson shall:

20 (1) charge the manufacturer of the product for the cost
21 of product purchase and testing; and

22 (2) make information available to the Attorney General
23 and the public on products found not to be in compliance with
24 the standards.

25 (e) Periodic inspections.--With prior notice and at
26 reasonable and convenient hours, the chairperson may cause
27 periodic inspections to be made of distributors or retailers of
28 new products covered by section 3402 in order to determine
29 compliance with the provisions of this chapter. The chairperson
30 shall also coordinate with the Secretary of Labor and Industry

1 regarding inspections prior to occupancy of a newly constructed
2 building containing new products that are also covered by the
3 the act of November 10, 1999 (P.L.491, No.45), known as the
4 Pennsylvania Construction Code Act.

5 (f) Complaint process.--The chairperson shall investigate
6 complaints received concerning violations of this chapter and
7 shall report the results of the investigations to the Attorney
8 General. The Attorney General may institute proceedings to
9 enforce the provisions of this chapter. Any manufacturer,
10 distributor or retailer, or any person who installs a product
11 covered by this chapter for compensation, who violates any
12 provision of this chapter shall be issued a warning by the
13 chairperson for any first violation and subject to a civil
14 penalty of up to \$100 for each offense. Repeat violations shall
15 be subject to a civil penalty of not more than \$500 for each
16 offense. Each violation shall constitute a separate offense and
17 each day the violation continues shall constitute a separate
18 offense. Penalties assessed under this subsection are in
19 addition to costs assessed under subsection (d).

20 § 3409. Severability.

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

26 Section 2. All regulations and parts of regulations are
27 abrogated to the extent of any inconsistency with the provisions
28 of this act.

29 Section 3. All acts and parts of acts are repealed insofar
30 as they are inconsistent with the provisions of this act.

1 Section 4. This act shall take effect in 60 days.