
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 601 Session of
2021

INTRODUCED BY L. WILLIAMS, BARTOLOTTA, KEARNEY, TARTAGLIONE,
FONTANA, COSTA, MUTH AND COMMITTA, APRIL 27, 2021

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
APRIL 27, 2021

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.

18 3405. Implementation.

1 3406. New and revised standards and regulations.

2 3407. Testing, certification, labeling and enforcement.

3 § 3401. Short title of chapter.

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

5 Pennsylvania Energy and Water Efficiency Standards Act.

6 § 3402. General purpose, legislative findings and scope of
7 chapter.

8 (a) General purpose.--This chapter establishes minimum
9 efficiency standards for certain products sold or installed in
10 this Commonwealth.

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

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

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

26 (3) The efficiency standards save energy and thus reduce
27 pollution and other environmental impacts associated with the
28 production, distribution and use of electricity, natural gas
29 and other fuels.

30 (4) The water efficiency standards save water and thus

1 reduce the strain on the water supply. Improved water
2 efficiency can reduce or delay the need for water and sewer
3 infrastructure improvements.

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

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

- 11 (1) Air purifiers.
- 12 (2) Commercial dishwashers.
- 13 (3) Commercial fryers.
- 14 (4) Commercial hot-food holding cabinets.
- 15 (5) Commercial ovens.
- 16 (6) Commercial steam cookers.
- 17 (7) Faucets.
- 18 (8) State-regulated general service lamps.
- 19 (9) High CRI, cold-temperature and impact-resistant
20 fluorescent lamps.
- 21 (10) Portable electric spas.
- 22 (11) Residential ventilating fans.
- 23 (12) Showerheads.
- 24 (13) Spray sprinkler bodies.
- 25 (14) Urinals.
- 26 (15) Water closets.
- 27 (16) Water coolers.
- 28 (17) Any other products as may be designated by the
29 chairperson in accordance with this section or by operation
30 of law under section 3407 (relating to testing,

1 certification, labeling and enforcement).

2 (d) Limitation.--Nothing in this chapter may be construed to
3 apply to:

4 (1) New products manufactured in this Commonwealth and
5 sold outside of this Commonwealth.

6 (2) New products manufactured outside this Commonwealth
7 and sold at wholesale inside this Commonwealth for final
8 retail sale and installation outside this Commonwealth.

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

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

13 § 3403. Definitions.

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

17 "Air purifier" or "room air cleaner." An electric, cord-
18 connected portable appliance with the primary function of
19 removing particulate matter from the air and which can be moved
20 from room to room.

21 "Chairperson." The chairperson of the Pennsylvania Public
22 Utility Commission.

23 "Cold-only units." A water dispenser that emits cold water
24 only.

25 "Cold-temperature fluorescent lamp." A fluorescent lamp that
26 is not a compact fluorescent lamp that:

27 (1) is specifically designed to start at -20°F when used
28 with a ballast conforming to the requirements of ANSI C78.81
29 and ANSI C78.901; and

30 (2) is expressly designated as a cold-temperature lamp

1 both in markings on the lamp and in marketing materials,
2 including catalogs, sales literature and promotional
3 material.

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

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

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

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

25 "Commercial steam cooker" or "compartment steamer." A device
26 with one or more food-steaming compartments in which the energy
27 in the steam is transferred to the food by direct contact. The
28 term may include countertop models, wall-mounted models and
29 floor models mounted on a stand, pedestal or cabinet-style base.

30 "Compensation." Money or any other source of value,

1 regardless of form, received or to be received by a person for
2 services rendered.

3 "Cook and cold units." A water dispenser that emits both
4 cold and room-temperature water.

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

7 "Dual-flush water closet." A water closet incorporating a
8 feature that allows the user to flush the water closet with
9 either a reduced or full volume of water.

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

11 "Faucet." A lavatory faucet, kitchen faucet, metering
12 faucet, public lavatory faucet or replacement aerator for a
13 lavatory, public lavatory or kitchen faucet.

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

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

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

23 "Impact-resistant fluorescent lamp." A fluorescent lamp that
24 is not a compact fluorescent lamp that:

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

28 (2) is designated and marketed for the intended
29 application with:

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

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

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

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

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

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

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

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

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

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

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

29 "Showerhead." A device through which water is discharged for
30 a shower bath. The term includes a hand-held showerhead but does

1 not include a safety-shower showerhead.

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

5 "State-regulated general service lamp." Any of the following
6 medium-based incandescent light bulbs:

7 (1) Reflector lamps that are:

8 (i) BR30, BR40, ER30 or ER40 lamps rated at 50 watts
9 or less;

10 (ii) BR30, BR40 or ER40 lamps rated at 65 watts; or

11 (iii) R20 lamps rated at 45 watts or less.

12 (2) B, BA, CA, F and G shape lamps as defined in ANSI
13 C79.1:2002 with a lumen output of greater than or equal to
14 200 and rated at 40 watts or less.

15 (3) A and C shape lamps as defined in ANSI C79.1:2002
16 with lumen output greater than or equal to 200 and less than
17 310.

18 (4) Shatter-resistant lamps.

19 (5) 3-way lamps.

20 "Storage type." The storage of thermally conditioned water
21 in a reservoir in the water cooler that is available
22 instantaneously. The term includes point-of-use, dry storage
23 compartment and bottled water coolers.

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

26 "Urinal." A plumbing fixture that receives only liquid body
27 waste and conveys the waste through a trap into a drainage
28 system.

29 "Water closet." A plumbing fixture having a water-containing
30 receptor that receives liquid and solid body waste through an

1 exposed integral trap into a drainage system.

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

4 § 3404. Standards.

5 (a) Regulations.--Not later than one year after the
6 effective date of this section, the chairperson, in consultation
7 with the Secretary of Environmental Protection, shall promulgate
8 regulations, in accordance with the provisions of section 502 of
9 the act of June 28, 1995 (P.L.89, No.18), known as the
10 Conservation and Natural Resources Act, establishing minimum
11 efficiency standards for the types of new products set forth in
12 section 3402 (relating to general purpose, legislative findings
13 and scope of chapter).

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

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

20 (i) clean air delivery rate (CADR) for dust shall be
21 30 or greater;

22 (ii) for models with a CADR for smoke less than 100,
23 CADR/Watt for smoke shall be greater than or equal to
24 1.7;

25 (iii) for models with a CADR for smoke greater than
26 or equal to 100 and less than 150, CADR/Watt for smoke
27 shall be greater than or equal to 1.9;

28 (iv) for models with a CADR for smoke greater than
29 or equal to 150, CADR/Watt for smoke shall be greater
30 than or equal to 2.1;

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

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

6 (vii) for models without a Wi-Fi network connection
7 enabled by default when shipped, partial on-mode power
8 shall not exceed 1 watt.

9 (2) Commercial dishwashers included in the scope of
10 version 2.0 of the EPA's "Energy Star Program Requirements
11 Product Specification for Commercial Dishwashers" shall meet
12 the qualification criteria of that specification.

13 (3) Commercial fryers included in the scope of version
14 2.0 of the EPA's "Energy Star Program Requirements Product
15 Specification for Commercial Fryers" shall meet the
16 qualification criteria of that specification.

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

21 (5) Commercial ovens included in the scope of version
22 2.2 of the EPA's "Energy Star Program Requirements Product
23 Specification for Commercial Ovens" shall meet the
24 qualification criteria of that specification.

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

28 (7) Faucets, except for metering faucets, shall meet the
29 following standards when tested in accordance with 10 CFR Pt.
30 430 Appendix S to Subpt. B (relating to uniform test method

1 for measuring the water consumption of faucets and
2 showerheads) in effect on January 1, 2021:

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

6 (ii) Residential kitchen faucets and replacement
7 aerators may not exceed a maximum flow rate of 1.8 gpm at
8 60 psi, with optional temporary flow of 2.2 gpm, provided
9 they default to a maximum flow rate of 1.8 gpm at 60 psi
10 after each use.

11 (iii) Public lavatory faucets and replacement
12 aerators may not exceed a maximum flow rate of 0.5 gpm at
13 60 psi.

14 (8) State-regulated general service lamps shall meet or
15 exceed the lamp efficacy of 45 lumens per watt when testing
16 in accordance with the applicable Federal test procedures for
17 general service lamps under 10 CFR 430.23(gg) (relating to
18 test procedures for the measurement of energy and water
19 consumption) in effect on January 1, 2021.

20 (9) High CRI, cold-temperature and impact-resistant
21 fluorescent lamps shall meet the minimum efficiency
22 requirements contained in 10 CFR 430.32(n)(4) (relating to
23 energy and water conservation standards and their compliance
24 dates) in effect on January 1, 2021, as measured in
25 accordance with 10 CFR Pt. 430 Appendix R to Subpt. B
26 (relating to uniform test method for measuring average lamp
27 efficacy (LE), color rendering index (CRI), and correlated
28 color temperature (CCT) of electric lamps) in effect on
29 January 1, 2021.

30 (10) Portable electric spas shall meet the requirements

1 contained in ANSI/APSP/ICC-14-2019, the American National
2 Standard for Portable Electric Spa Energy Efficiency.

3 (11) In-line residential ventilating fans shall have a
4 fan motor efficacy of no less than 2.8 cubic feet per minute
5 per watt. All other residential ventilating fans shall have a
6 fan motor efficacy of no less than 1.4 cubic feet per minute
7 per watt for airflows less than 90 cubic feet per minute and
8 no less than 2.8 cubic feet per minute per watt for other
9 airflows when tested in accordance with Home Ventilation
10 Institute Publication 916 "HVI Airflow Test Procedure."

11 (12) Showerheads may not exceed a maximum flow rate of
12 2.0 gpm at 80 psi when tested in accordance with 10 CFR Pt.
13 430 Appendix S to Subpt. B in effect on January 1, 2021.

14 (13) Spray sprinkler bodies that are not specifically
15 excluded from the scope of version 1.0 of the EPA's
16 "WaterSense Specification for Spray Sprinkler Bodies," shall
17 include an integral pressure regulator and shall meet the
18 water efficiency and performance criteria and other
19 requirements of that specification.

20 (14) Water closets shall pass the waste extraction test
21 for water closets under section 7.9 of the American Society
22 of Mechanical Engineers (ASME) contained in A112.19.2/CSA
23 B45.1 of 2018. Urinals and water closets, other than those
24 designed and marketed exclusively for use at prisons or
25 mental health facilities, shall meet the following standards
26 when tested in accordance with 10 CFR Pt. 430 Appendix T to
27 Subpt. B (relating to uniform test method for measuring the
28 water consumption of water closets and urinals) in effect on
29 January 1, 2021:

30 (i) Wall-mounted urinals, except for trough-type

1 urinals, shall have a maximum flush volume of 0.5 gallons
2 per flush.

3 (ii) Floor-mounted urinals, except for trough-type
4 urinals, shall have a maximum flush volume of 0.5 gallons
5 per flush.

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

9 (iv) Dual-flush tank-type water closets shall have a
10 maximum dual-flush effective flush volume of 1.28 gallons
11 per flush.

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

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

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

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

24 § 3405. Implementation.

25 (a) Requirement of efficiency.--Except as provided in
26 subsection (b), on or after January 1, 2023, no new device
27 listed under section 3402(c) (relating to general purpose,
28 legislative findings and scope of chapter) may be sold or
29 offered for sale, lease or rent in this Commonwealth unless the
30 efficiency of the new product meets or exceeds the efficiency

1 standards provided in section 3404 (relating to standards).

2 (b) 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), no products may
5 be installed for compensation in this Commonwealth unless the
6 efficiency of the new product meets or exceeds the efficiency
7 standards provided in section 3404.

8 § 3406. New and revised standards and regulations.

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

25 § 3407. Testing, certification, labeling and enforcement.

26 (a) Product testing.--The manufacturer of products covered
27 by this chapter shall test samples of their products in
28 accordance with the test procedures adopted under this chapter.
29 The chairperson may adopt updated test methods when new versions
30 of test procedures become available.

1 (b) Compliance.--Manufacturers of new products covered by
2 section 3402 (relating to general purpose, legislative findings
3 and scope of chapter) shall certify to the chairperson that the
4 products are in compliance with the provisions of this chapter.
5 The certifications shall be based on test results under
6 subsection (a). The Pennsylvania Public Utility Commission shall
7 promulgate regulations governing the certification of the
8 products and shall coordinate with the certification programs of
9 other Federal and state agencies with similar standards.

10 (c) Compliance mark, label or tag on product.--Manufacturers
11 of new products covered under section 3402 shall identify each
12 product offered for sale or installation in this Commonwealth as
13 in compliance with the provisions of this chapter by means of a
14 mark, label or tag on the product and packaging at the time of
15 sale or installation. The Pennsylvania Public Utility Commission
16 shall promulgate regulations governing the identification of the
17 products and packaging, which shall be coordinated to the
18 greatest practical extent with the labeling programs of other
19 Federal and state agencies with equivalent efficiency standards.
20 The chairperson shall allow the use of existing marks, labels or
21 tags, which connote compliance with the efficiency requirements
22 of this chapter.

23 (d) Chairperson testing permitted.--The chairperson may test
24 products covered by section 3402. If tested products are found
25 not to be in compliance with the minimum efficiency standards
26 established under section 3404 (relating to standards), the
27 chairperson shall:

28 (1) charge the manufacturer of the product for the cost
29 of product purchase and testing; and

30 (2) make information available to the Attorney General

1 and the public on products found not to be in compliance with
2 the standards.

3 (e) Periodic inspections.--With prior notice and at
4 reasonable and convenient hours, the chairperson may cause
5 periodic inspections to be made of distributors or retailers of
6 new products covered under section 3402 in order to determine
7 compliance with the provisions of this chapter. The chairperson
8 shall also coordinate with the Secretary of Labor and Industry
9 regarding inspections prior to occupancy of a newly constructed
10 building containing new products that are also covered by the
11 the act of November 10, 1999 (P.L.491, No.45), known as the
12 Pennsylvania Construction Code Act.

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

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

1 Section 3. All acts and parts of acts are repealed insofar
2 as they are inconsistent with the provisions of this act.
3 Section 4. This act shall take effect in 60 days.