Model Act for Establishing State Appliance and Equipment Energy and Water Efficiency Standards

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This model act sets specific efficiency standards for selected residential and commercial products. These energy and water efficiency standards are based on various sources, including standards already adopted in one or more states and ENERGY STAR® and WaterSense specifications that have achieved high market shares. For questions regarding this model act, contact Brian Fadie or Brooke Lockwood at the Appliance Standards Awareness Project.

An Act Establishing Minimum Energy and Water Efficiency Standards for Certain Products Sold in the State

1) **Section 1. General Purpose.**

   a) This Act establishes minimum efficiency standards for certain products sold or installed in the state.

2) **Section 2. Findings.**

   a) The legislature finds that:
      i) Efficiency standards for certain products sold or installed in the state assure consumers and businesses that such products meet minimum efficiency performance levels, thus reducing energy and water waste and saving consumers and businesses money on utility bills.
      ii) Such efficiency standards save energy and thus reduce climate-changing emissions and other environmental impacts associated with the production, distribution, and use of electricity, natural gas, and other fuels.
      iii) Such efficiency standards save water, mitigating the effects of short- and long-term droughts and helping to conserve fresh water supplies.
      iv) Bill savings resulting from more-efficient products benefit all consumers but are especially important to low-income families, who spend a disproportionate share of their income on utilities. Efficiency standards also help the state and local economies because bill savings can be spent on local goods and services.
      v) Energy and water savings help reduce or delay the need for expensive investments in new power plants, transmission lines, and distribution system upgrades, new and expanded gas pipelines, and water and sewer infrastructure improvements.

3) **Section 3. Definitions.**

   a) As used in the Act:

      i) “Accessory” means a component that can, at the discretion of the user, be readily added, removed, or replaced and that, when removed, will not prevent the fitting from fulfilling its primary function. Examples include aerators, hand-held shower assemblies, showerheads, and in-line flow controls.

ii) "Commissioner" means the **[head of the appropriate implementing state agency]**.

iii) "Cold temperature fluorescent lamp" means a fluorescent lamp that is not a compact fluorescent lamp and that:
   (1) Is specifically designed to start at -20°F when used with a ballast conforming to the requirements of ANSI C78.81 and ANSI C78.901; and
   (2) Is expressly designated as a cold temperature lamp both in markings on the lamp and in marketing materials, including catalogs, sales literature, and promotional material.

iv) The following definitions refer to commercial and industrial fans and blowers:
   (1) "Fan'' or ''blower'' means a rotary bladed machine used to convert electrical or mechanical power to air power, with an energy output limited to 25 kJ/kg of air. It consists of an impeller, a shaft and bearings and/or driver to support the impeller, as well as a structure or housing. A fan or blower may include a transmission, driver, and/or motor controller.
   (2) "Air circulating fan" means a fan that has no provision for connection to ducting or separation of the fan inlet from its outlet using a pressure boundary, operates against zero external static pressure loss, and is not a jet fan or a ceiling fan.
   (3) "Jet fan" means a fan designed and marketed specifically for producing a high velocity air jet in a space to increase its air momentum. Jet fans are rated using thrust. Inlets and outlets are not ducted but may include acoustic silencers.
   (4) "Ceiling fan" means a nonportable device that is suspended from a ceiling for circulating air via the rotation of fan blades. For the purpose of this definition: Circulating air means the discharge of air in an upward or downward direction. A ceiling fan that has a ratio of fan blade span (in inches) to maximum rotation rate (in revolutions per minute) greater than 0.06 provides circulating air.
   (5) "Housed centrifugal air circulating fan" means a housed air circulating fan head with a centrifugal or radial impeller in which airflow exits into a housing that is generally scroll shaped to direct the air through a single, narrow fan outlet.
   (6) "Air circulating fan discharge area" means the area of a circle having a diameter equal to the blade tip diameter.
   (7) "Air circulating fan outlet area" means the gross inside area measured at the plane of the outlet opening.
   (8) "Equivalent diameter" means the diameter (D) of a circle with the same area as another geometric shape. For a rectangular cross section with width a and height b, the equivalent diameter is the square root of the product of 4 times a times b divided by π or $D = \sqrt{4ab/\pi}$.
   (9) "General fan or blower" means a fan or blower that is not an air circulating fan.
   (10) "Radial-housed-unshrouded fan" means a radial fan with impeller blades attached to a backplate and hub (i.e., open radial blade) or a hub only (i.e., open paddle wheel) and with an open front at the impeller's inlet.
   (11) "Rimmed radial-unshrouded fan" means a radial-housed unshrouded fan having a vertical rim on both sides of the impeller.
   (12) "Duty point" means a single airflow, pressure point, and fan air density within the fan's operating range.

v) "Commercial dishwasher" means a machine designed to clean and sanitize plates, pots, pans, glasses, cups, bowls, utensils, and trays by applying sprays of detergent solution (with or without blasting media granules) and a sanitizing rinse.

vi) "Commercial fryer" means an appliance, including a cooking vessel, in which oil is placed to such a depth that the cooking food is essentially supported by displacement of the cooking fluid rather than by the bottom of the vessel. Heat is delivered to the cooking fluid by means of an immersed electric element or band-wrapped vessel (electric fryers) or by heat transfer from gas burners through either the walls of the fryer or through tubes passing through the cooking fluid (gas fryers).

vii) “Commercial hot-food holding cabinet” means a heated, fully enclosed compartment with one or more solid or transparent doors designed to maintain the temperature of hot food that has been cooked using a separate appliance. “Commercial hot-food holding cabinet” does not include heated glass merchandizing cabinets, drawer warmers, or cook-and-hold appliances.

viii) “Commercial oven” means a chamber designed for heating, roasting, or baking food by conduction, convection, radiation, and/or electromagnetic energy.

ix) “Commercial steam cooker,” also known as “compartment steamer,” means a device with one or more food-steaming compartments in which the energy in the steam is transferred to the food by direct contact. Models may include countertop models, wall-mounted models, and floor models mounted on a stand, pedestal, or cabinet-style base.

x) “Computer server” means a computer that provides services and manages networked resources for client devices (e.g., desktop computers, notebook computers, thin clients, wireless devices, personal digital assistants, internet protocol telephones, other computer servers, or other network devices).

xi) “Computer server power supply unit” means a device that converts AC or DC input power to one or more DC power outputs for the purpose of powering a computer server and that is self-contained, physically separable from the motherboard and that connects to the system via a removable or hard-wired electrical connection.

xii) “Compensation” means money or any other valuable thing, regardless of form, received or to be received by a person for services rendered.

xiii) The following definitions refer to expanded scope electric motors:
(1) “Electric motor’’ means a machine that converts electrical power into rotational mechanical power.
(2) “Expanded scope electric motor” means an electric motor meeting the definition of “small, non-small-electric-motor electric motor” as defined in Appendix B to Subpart B of Part 431 of Title 10 of the Code of Federal Regulations as in effect on January 1, 2025—“Uniform Test Method for Measuring the Efficiency of Electric Motors,” excluding any motor incorporated into a product to which a federal energy conservation standard applies under 10 C.F.R. Parts 430 or 431.

xiv) The following definitions refer to faucets:
(1) “Faucet” means a private lavatory faucet, residential kitchen faucet, metering faucet, public lavatory faucet, or replacement accessories for any of the foregoing faucets.
(2) “Public lavatory faucet” means a fitting designed to be installed in nonresidential bathrooms that are exposed to walk-in traffic.
(3) “Metering faucet” means a self-closing faucet that dispenses a specific volume of water for each actuation cycle. The volume or cycle duration can be fixed or adjustable.
(4) “Replacement accessory” means a component sold as a replacement, separate from the faucet to which it is intended to be attached.

xv) The following definitions refer to gas fireplaces:
(1) “Gas fireplace” means a decorative gas fireplace or a heating gas fireplace.
(2) "Decorative gas fireplace" means a vented fireplace, including appliances that are freestanding, recessed, zero clearance, log set, or a gas fireplace insert, that is fueled by natural gas or propane, is marked for decorative use only, and is not equipped with a thermostat or intended for use as a heater.
(3) "Heating gas fireplace" means a vented fireplace, including appliances that are freestanding, recessed, zero clearance, or a gas fireplace insert, that is fueled by natural gas or propane and is not a decorative fireplace.

xvi) “High color rendering index (CRI) fluorescent lamp” means a fluorescent lamp with a color rendering index of 87 or greater that is not a compact fluorescent lamp.

xvii) “Impact-resistant fluorescent lamp” means a fluorescent lamp that is not a compact fluorescent lamp and that:
(1) Has a coating or equivalent technology that is compliant with NSF/ANSI 51 and is designed to contain the glass if the glass envelope of the lamp is broken; and
(2) Is designated and marketed for the intended application, with:
(a) The designation on the lamp packaging; and
(b) Marketing materials that identify the lamp as being impact-resistant, shatter-resistant, shatterproof, or shatter-protected.

xviii) “Person” means:
(1) Any individual
(2) Any corporation, company, association, firm, partnership, society, trust, joint venture, or joint stock company.

xix) “Portable electric spa” means a factory-built electric spa or hot tub which may or may not include any combination of integral controls, water heating or water circulating equipment.

xx) “Residential ventilating fan” means a ceiling or wall-mounted fan, or remotely mounted in-line fan, designed to be used in a bathroom or utility room for the purpose of moving air from inside the building to the outdoors, not including in-line fans that include an airflow listed in the HVI Certified Products Directory at a static pressure that is greater than or equal to 1-inch water column.

xxi) The following definitions refer to showerheads:
(1) “Showerhead” means a component or set of components distributed in commerce for attachment to a single supply fitting, for spraying water onto a bather, typically from an overhead position, excluding safety shower showerheads.
(2) “Hand-held showerhead” means a showerhead that can be held or fixed in place for the purpose of spraying water onto a bather and that is connected to a flexible hose.

xxii) The following definitions refer to spray sprinkler bodies:
(1) “Pressure regulator” means a device that maintains constant operating pressure immediately downstream from the device, given higher pressure upstream.
(2) “Spray sprinkler body” means the exterior case or shell of a sprinkler incorporating a means of connection to the piping system designed to convey water to a nozzle or orifice.

xxiii) The following definitions refer to state-regulated battery charger systems (BCSs):
(1) “State-regulated BCS” means a state-regulated battery charger system as defined in § 1602(w) of Title 20 of the California Code of Regulations (C.C.R.).
(2) “Battery backup or uninterruptible power supply charger (UPS)” means a “battery backup or UPS” as defined in 1602(w) of Title 20 of the C.C.R.
(3) “Large battery charger system” means a BCS (other than a battery charger system for golf carts) with a rated input power of more than 2 kW.

xxiv) The following definitions refer to urinals and water closets:
(1) “Plumbing fixture” means an exchangeable device, which connects to a plumbing system to deliver and drain away water and waste.
(2) “Urinal” means a plumbing fixture that receives only liquid body waste and conveys the waste through a trap into a drainage system.
(3) “Water closet” means a plumbing fixture with a water-containing receptor that receives liquid and solid body waste and on actuation conveys the waste through an exposed integral trap into a drainage system.

(4) “Trough-type urinal” means a urinal designed for simultaneous use by two or more persons.

xxv) The following definitions refer to water coolers:
(1) “Water cooler” means a freestanding device that consumes energy to cool and/or heat potable water.
(a) “Cold only units” dispense cold water only.
(b) “Hot and cold units” dispense both hot and cold water. Some units also offer room-temperature water.
(c) “Cook and cold units” dispense both cold and room-temperature water.
(2) “Storage-type” means thermally conditioned water is stored in a tank in the water cooler and is available instantaneously. Point-of-use, dry storage compartment, and bottled water coolers are included in this category.
(3) “On demand” means the water cooler heats water as it is requested, which typically takes a few minutes to deliver.

xxvi) “WaterSense” means a partnership program by the U.S. Environmental Protection Agency. Independent, third-party licensed certifying bodies certify that products meet EPA criteria for water efficiency and performance by following testing and certification protocols specific to each product category. Products that are certified to meet EPA specifications are allowed to bear the WaterSense label. (42 USC 6294a)

4) Section 4. Scope.

a) The provisions of this Act apply to:
i) Commercial and industrial fans and blowers;
ii) Commercial dishwashers;
iii) Commercial fryers;
iv) Commercial hot-food holding cabinets;
v) Commercial ovens;
vi) Commercial steam cookers;
vii) Computers and computer monitors;
viii) Computer server power supply units;
ix) Expanded scope electric motors;
x) Faucets;
xi) Gas fireplaces;
xii) High CRI, cold temperature, and impact-resistant fluorescent lamps;
xiii) Portable electric spas;
xiv) Residential ventilating fans;
xv) Showerheads;
xvi) Spray sprinkler bodies;
xvii) State-regulated battery charger systems;
xviii) Urinals;
xix) Water closets;
xx) Water coolers; and
xxi) Any other products as may be designated by the Commissioner in accordance with Section 7 or by operation of law under Section 9.

b) The provisions of this Act do not apply to:
i) New products manufactured in the state and sold outside the state;
ii) New products manufactured outside the state and sold at wholesale inside the state for final retail sale and installation outside the state;
iii) Products installed in mobile manufactured homes at the time of construction; or
iv) Products designed expressly for installation and use in recreational vehicles.

5) Section 5. Standards.

a) Not later than one year after the date of enactment of this Act, the Commissioner shall adopt regulations, in accordance with the provisions of the **[state law governing the administrative process for setting regulations]**, establishing minimum efficiency standards for the products set forth in Section 4.

b) The regulations shall provide for the following minimum efficiency standards:

i) Commercial and industrial fans and blowers shall comply with the following requirements:

(1) Air circulating fans shall have a minimum efficacy (Eff_{circ}), in cubic feet per minute per watt, at maximum speed of greater than or equal to the sum of sixteen times *D* to the fifth power and two hundred times *D* to the fourth power, all divided by *Q* squared, when tested in accordance with Appendix B to Subpart J of Part 431 of Title 10 of the Code of Federal Regulations as in effect on January 1, 2025—"Uniform Test Method for the Measurement of Energy Consumption of Air Circulating Fans."

Where:

Eff_{circ} is the minimum efficacy for air circulating fans (CFM/W).

D is the impeller diameter for unhoused fans, and the lesser of impeller diameter and equivalent diameter for housed fans (inches).

Q is the air circulating fan airflow rate, determined by the referenced test procedure at the maximum fan speed (CFM).

(2) Represented values of performance ratings for air circulating fans used to demonstrate compliance with the efficacy requirements shall be determined in accordance with 10 C.F.R. § 429.69—"Certification, Compliance, and Enforcement for Consumer Products and Commercial and Industrial Equipment" as in effect on January 1, 2025.

(3) The standards for air circulating fans do not apply to:
(a) Housed centrifugal air circulating fans;
(b) Air circulating fans with input power less than 200W at maximum speed; or
(c) Air circulating fans where water is evaporated in the air stream of the fan.

(4) General fans and blowers within the scope of 10 C.F.R. § 431.174(a) as in effect on January 1, 2025 shall have a fan energy index (FEI) no less than 1.05 at each duty point for which the fan is offered for sale when tested in accordance with Appendix A to Subpart J of Part 431 of Title 10 of the Code of Federal Regulations as in effect on January 1, 2025—" Uniform Test Method for the Measurement of Energy Consumption of Fans and Blowers Other Than Air Circulating Fans"—including but not limited to provisions on alternative efficiency determination methods (AEDMs) and additional testing requirements concerning selection of models to be tested if an AEDM is to be applied in 10 C.F.R. § 429.69 and § 429.70 as in effect on January 1, 2025. General fans and blowers may also be tested in accordance with Sections 6.4 and 6.5 of ANSI/AMCA Standard 214-21—"Test Procedure for Calculating Fan Energy Index (FEI) for Commercial and Industrial Fans and Blowers."

(5) The standards for general fans and blowers do not apply to:
(a) Fans and blowers embedded in the equipment listed in paragraph (a)(3) of 10 C.F.R. § 431.174 as in effect on January 1, 2025;
(b) Fans and blowers embedded in equipment other than the equipment listed [subsection 5(a)] that are available only as part of a manufactured assembly that includes functions other than air movement or as a replacement part for that assembly;
(c) Any other fan type listed as exempt in 10 C.F.R. § 431.174(a) as in effect on January 1, 2025;
(d) Radial-housed-unshrouded fans; or
(e) Rimmed radial-unshrouded fans.

(6) A fan or blower shall be deemed to be offered for sale at a duty point if (1) the selection software provided by the manufacturer or seller returns such fan or blower as recommended for use at such duty point, or (2) the manufacturer or seller otherwise knowingly sells a fan or blower to an end user who intends to use the fan or blower at such duty point.

ii) Commercial dishwashers included in the scope of the ENERGY STAR Program Requirements Product Specification for Commercial Dishwashers, Version 3.0, shall meet the certification criteria of that specification.

iii) Commercial fryers included in the scope of the ENERGY STAR Program Requirements Product Specification for Commercial Fryers, Version 2.0, shall meet the qualification criteria of that specification.

iv) Commercial hot-food holding cabinets shall meet the qualification criteria of the ENERGY STAR Program Requirements Product Specification for Commercial Hot Food Holding Cabinets, Version 2.0.

v) Commercial ovens included in the scope of the ENERGY STAR Program Requirements Product Specification for Commercial Ovens, Version 3.0, shall meet the certification criteria of that specification.

vi) Commercial steam cookers shall meet the qualification criteria of the ENERGY STAR Program Requirements Product Specification for Commercial Steam Cookers, Version 1.2.

vii) Computers and computer monitors shall meet the requirements of § 1605.3(v) of Title 20 of the California Code of Regulations (C.C.R.) and compliance with those requirements shall be as measured in accordance with test methods prescribed in § 1604(v) of those regulations.
(a) The rules shall define “computer” and “computer monitor” to have the same meaning as set forth in 20 C.C.R. § 1602(v).
(b) The referenced portions of the C.C.R. shall be those adopted on or before the effective date of this Act. However, the Commissioner shall have authority to amend the rules so that the definitions of “computer” and “computer monitor” and the minimum efficiency standards for computers and computer monitors conform to subsequently adopted modifications to the referenced sections of the C.C.R.

viii) Computer server power supply units for computer servers included in the scope of the ENERGY STAR Program Requirements Product Specification for Computer Servers, Version 4.0, shall meet the certification criteria of that specification.

ix) Expanded scope electric motors with a power rating of greater than or equal to 0.25 horsepower and less than or equal to 3 horsepower shall meet the minimum efficiency standards provided in “Energy Conservation Program: Energy Conservation Standards for Expanded Scope Electric Motors” (88 Fed. Reg. 87062, published December 15, 2023) when tested in accordance with Appendix B to Subpart B of Part 431 of Title 10 of the Code of Federal Regulations as in effect on January 1, 2025.

x) Faucets, except for metering faucets, shall meet the standards shown in this paragraph when tested in accordance with Appendix S to Subpart B of Part 430 of Title 10 of the Code of Federal Regulations —“Uniform Test Method for Measuring the Water Consumption of Faucets and Showerheads”— and compliance with those requirements shall be:
(a) Private lavatory faucets and lavatory faucet replacement accessories included in the scope of the WaterSense Specification for Lavatory Faucets, Version 1.0, shall meet a maximum flow rate of 1.5 gallons per minute and meet the performance criteria and other certification criteria of that specification.

(b) Residential kitchen faucets and replacement aerators shall not exceed a maximum flow rate of 1.8 gallons per minute at 60 pounds per square inch, with optional temporary flow of 2.2 gallons per minute, provided they default to a maximum flow rate of 1.8 gallons per minute at 60 pounds per square inch after each use.
(c) Public lavatory faucets and replacement aerators shall not exceed a maximum flow rate of 0.5 gallons per minute at 60 pounds per square inch.
(d) Metering faucets shall not exceed a volumetric measure of water of 0.20 gallons per activation cycle and shall have no maximum flow rate specified (ie: gallons per minute) when tested in accordance with Clause 5.4.2.3.1 b) of ASME A112.18.1/CSA B125.1 .

xi) Gas fireplaces shall comply with the following requirements:
(a) Gas fireplaces shall be capable of automatically extinguishing any pilot flame when the main gas burner flame is extinguished;
(b) Gas fireplaces must prevent any ignition source for the main gas burner flame from operating continuously for more than seven days from last use of the main burner;
(c) Heating gas fireplaces shall have a fireplace efficiency greater than or equal to 50% when tested in accordance with CSA P.4.1-15, "Testing Method for Measuring Fireplace Efficiency" as amended or revised.

xii) High CRI, cold temperature, and impact-resistant fluorescent lamps shall meet the minimum efficacy requirements contained in Section 430.32(n)(4) of Title 10 of the Code of Federal Regulations as in effect on January 1, 2021, as measured in accordance with Appendix R to Subpart B of Part 430 of Title 10 of the Code of Federal Regulations—"Uniform Test Method for Measuring Average Lamp Efficacy (LE), Color Rendering Index (CRI), and Correlated Color Temperature (CCT) of Electric Lamps"—as in effect on January 1, 2021.

xiii) Large battery charger systems and battery backup or UPS systems shall meet the requirements of § 1605.3(w) v of Title 20 of the C.C.R. and compliance with those requirements shall be as measured in accordance with test methods prescribed in § 1604(w) of those regulations.

(a) The rules shall define "large battery charger system" and "battery backup or uninterruptible power supply charger (UPS)" to have the same meaning as set forth in § 1602(w) of Title 20 of the C.C.R.
(b) The referenced portions of the C.C.R. shall be those adopted on or before the effective date of this Act. However, the Commissioner shall have authority to amend the rules so that the definitions of "state-regulated battery charger system", "large battery charger system", and "battery backup or UPS" and the minimum efficiency standards for large battery charger system and battery backup or UPS conform to subsequently adopted modifications to the referenced sections of the C.C.R.

xii) Portable electric spas shall meet the requirements of the "American National Standard for Portable Electric Spa Energy Efficiency" (ANSI/APSP/ICC 14-2019).

xiii) Residential ventilating fans shall comply with the following requirements:
(a) In-line residential ventilating fans shall have an efficacy greater than or equal to the following values when tested in accordance with Home Ventilating Institute Publication 916 "HVI Airflow Test Procedure":
(i) 3.8 cubic feet per minute per watt when tested without a filter;
(ii) 3.6 cubic feet per minute per watt when tested with a filter in place with a Minimum Efficiency Reporting Value (MERV) rating of greater than or equal to 6 and less than 13;
(iii) 2.9 cubic feet per minute per watt when tested with a filter in place with a MERV rating of 13 or greater.

(b) All other residential ventilating fans shall have an efficacy greater than or equal to the following values when tested in accordance with Home Ventilating Institute Publication 916 “HVI Airflow Test Procedure”:
(i) 2.8 cubic feet per minute per watt for airflows less than 90 cubic feet per minute;
(ii) 3.5 cubic feet per minute for airflows between 90 and 200 cubic feet per minute; and
(iii) 4.0 cubic feet per minute per watt for airflows greater than 200 cubic feet per minute.

xiv) Showerheads included in the scope of the WaterSense Specification for Showerheads Version 1.1 shall meet a maximum flow rate of 2.0 gallons per minute and meet the performance criteria and other certification criteria of that specification.

xv) Spray sprinkler bodies included within the scope of the WaterSense Specification for Spray Sprinkler Bodies, Version 1.0, shall include an integral pressure regulator and shall meet the certification requirements of that specification.

xii) Urinals, other than trough type and those designed and marketed exclusively for use at prisons or mental health facilities, included within the scope of the WaterSense specification for Flushing Urinals, Version 1.0, shall meet a maximum flush volume of 0.5 gallons per flush and meet the performance criteria and other certification criteria of that specification.

xiii) Water closets, other than those designed and marketed exclusively for use at prisons or mental health facilities, included within the scope of the WaterSense Specification for Tank-Type Toilets, Version 2.0 or the WaterSense Specification for Flushometer Valve Toilets version 1.0, shall meet a maximum flush volume of 1.28 gallons per flush and meet the performance criteria and other certification criteria of their respective specification.

xiii) Water coolers included in the scope of the ENERGY STAR Program Requirements Product Specification for Water Coolers, Version 2.0, shall have on mode with no water draw energy consumption less than or equal to the following values as measured in accordance with the test requirements of that program:
(1) 0.16 kilowatt-hours per day for cold-only units and cook and cold units;
(2) 0.87 kilowatt-hours per day for storage type hot and cold units; and
(3) 0.18 kilowatt-hours per day for on demand hot and cold units.

6) Section 6. Implementation.

a) On or after January 1, 2029, no new air circulating fan, cold temperature fluorescent lamp, commercial dishwasher, commercial fryer, commercial hot-food holding cabinet, commercial oven, commercial steam cooker, computer or computer monitor, computer server power supply unit, expanded scope electric motor, faucet, gas fireplace, general fan or blower, high CRI fluorescent lamp, impact-resistant fluorescent lamp, portable electric spa, residential ventilating fan, showerhead, spray sprinkler body, state-regulated battery charger system, urinal, water closet, or water cooler to which a standard applies under this Act may be sold or offered for sale, lease, or rent in the state unless the new product meets or exceeds the requirements of the standards.
b) One year after the date upon which the sale or offering for sale of certain products becomes subject to the requirements of paragraph (a) of this section, no such products may be installed for compensation in the state unless the efficiency of the new product meets or exceeds the efficiency standards which apply to the product under this Act.

7) Section 7. New and Revised Standards.

a) The Commissioner may adopt regulations, in accordance with the **[state law governing the administrative process for setting regulations]**, to establish increased efficiency standards for

the products listed or incorporated in Section 4. The Commissioner may also establish standards for products not specifically listed in Section 4. In considering such new or amended standards, the Commissioner, in consultation with the **[heads of other appropriate departments],** shall set efficiency standards upon a determination that increased efficiency standards would serve to promote energy or water conservation in the state and would be cost effective for consumers who purchase and use such new products, provided that no new or increased efficiency standards shall become effective within one year following the adoption of any amended regulations establishing such increased efficiency standards.

b) If any of the energy or water conservation standards issued or approved for publication by the Office of the United States Secretary of Energy as of January 20, 2025, pursuant to the Energy Policy and Conservation Act (Parts 430-431 of Title 10 of the Code of Federal Regulations), are withdrawn, repealed, or otherwise voided, the minimum energy or water efficiency level permitted for products previously subject to federal energy or water conservation standards in this State shall be the applicable federal standards as of January 20, 2025, and no such new product may be sold or offered for sale, lease or rent in this State unless it meets or exceeds such standards. This Section shall not apply: (1) to any federal energy or water conservation standard set aside by a court upon the petition of a person who will be adversely affected, as provided in Section 6306(b) of Title 42 of the United States Code or (2) if preempted by federal law.

8) Section 8. Testing, Certification, Labeling, and Enforcement.

a) Manufacturer testing.
   i) In general. —The manufacturers of products covered by this Act shall test samples of their products in accordance with the test procedures adopted pursuant to this Act. The Commissioner may adopt updated test methods by regulation, in accordance with the state's administrative procedures acts, when new versions of test methods become available or when an alternative test method has been adopted by another state or the federal government.
   ii) Initial test requirements for general fans and blowers.—Unless the Commissioner amends the requirements pursuant to this section, for general fans and blowers, test results may be based on a single unit (sample) or may include use of an alternative efficiency determination method, in accordance with the requirements of 10 C.F.R. § 429.69 and § 429.70 (88 Fed. Reg. 27312, 27387–27389, published May 1, 2023, with technical amendments at 88 Fed. Reg. 53371, 53375-53377, published August 8, 2023), as existing at the time of enactment.

b) Certification.—Manufacturers of new products covered by Section 4 of this Act shall certify to the Commissioner, or to an approved third-party database as determined by the Commissioner, that such products are in compliance with the provisions of this Act. Potential third-party databases include but are not limited to the Modernized Appliance Efficiency Database System, the State Appliance Standards Database, the HVI Certified Products Directory, and the 80Plus Certification Program. Such certifications shall be based on test results. The Commissioner shall promulgate regulations governing the certification of such products and shall coordinate with the certification programs of other states and federal agencies with similar standards.

c) Labeling.
   i) In general.—Manufacturers of new products covered by Section 4 of this Act shall identify each product offered for sale or installation in the state as in compliance with the provisions of this Act by means of a mark, label, or tag on the product or packaging at the time of sale or installation, or some other means as determined by the Commissioner. The Commissioner shall promulgate regulations governing the identification of such products and packaging, which shall be coordinated to the greatest practical extent with the labeling programs of other states and federal agencies with equivalent efficiency standards or specifications, including ENERGY STAR and WaterSense. The Commissioner shall allow the use of existing marks, labels, or tags, which connote compliance with the efficiency requirements of this Act.

ii) Labels for commercial and industrial fans and blowers.—For general fans and blowers and air circulating fans, the following information shall be legibly and conspicuously displayed in an accessible place on each physical unit: (1) manufacturer's name or brand name or trademark (i.e., either the name, brand, or trademark of the listed manufacturer) as certified in **section b above**; (2) model number; and (3) date or date code of manufacture, indicating year and month.

d) Verification testing.
   i) In general.—The Commissioner may test products covered by Section 4. If products so tested are found not to be in compliance with the minimum efficiency standards established under Section 5, the Commissioner shall: (1) charge the manufacturer of such product for the cost of product purchase and testing, and (2) make information available to the Attorney General and the public on products found not to be in compliance with the standards.
   ii) Additional requirements applicable to fans and blowers.—Any verification testing of general fans and blowers and air circulating fans shall be performed by a laboratory that—
      (1) has proof of compliance with ISO/IEC 17025 “General requirements for the competence of testing and calibration laboratories” from a third-party accreditation body; and
      (2) is accredited by AMCA International Inc. to perform testing in accordance with at least one of the following—
         (a) ANSI/AMCA Standard 210 “Laboratory Methods of Testing Fans for Certified Aerodynamic Performance Rating”
         (b) ISO Standard 5801, “Fans — Performance testing using standardized airways”
         (c) ANSI/AMCA Standard 230 “Laboratory Methods of Testing Air Circulating Fans for Rating and Certification.”

e) Inspections and investigations.—The Commissioner may cause periodic inspections to be made of distributors or retailers of new products covered by Section 4 in order to determine compliance with the provisions of this Act. The Commissioner shall investigate complaints received concerning violations of this Act.

f) Violations and penalties.
   i) First violation.—If the Commissioner finds that any person has committed a violation of any provision of this Act, the Commissioner shall issue a warning to such person.
   ii) Second violation.—Any person who commits a violation after the issuance of such warning shall be subject to a civil penalty, issued by the Commissioner, of up to one hundred dollars for each offense.
   iii) Further violations.—Any further violations committed by such person after this second violation shall be subject to a civil penalty of not more than five hundred dollars for each offense.
   iv) Calculating penalties.—Each product offered, sold, or installed for compensation in violation of Section 6 of this Act shall constitute a separate violation, each violation shall constitute a separate offense, and each day that such violation occurs shall constitute a separate offense. Penalties assessed under this paragraph are in addition to costs assessed under paragraph (d) of this section.
   v) Customer remediation.—Nothing in this section absolves a manufacturer of any obligation to provide remediation, including but not limited to repair, replacement, or such other compensation as would be appropriate under other applicable law, to the purchaser or user of a product found to be in violation of any provision of this Act.
   vi) Injunctions.—If the Commissioner finds repeated violations have occurred, they shall report the results of such violations to the Attorney General. The Attorney General may institute proceedings to seek an injunction in state court to enforce the provisions of this Act.
   vii) Further regulations.—The Commissioner may adopt such further regulations as necessary to ensure the proper implementation and enforcement of the provisions of this Act.

9) Section 9. Severability of Provisions.

a) The provisions of this Act shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section, or part of this Act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the application of any other clause, sentence, paragraph, subdivision, section, or part of this Act.