
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1185 Session of
2021

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WARREN, WEBSTER AND ZABEL, APRIL 15, 2021

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, APRIL 15, 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.

1 3405. Implementation.

2 3406. New and revised standards and regulations.

3 3407. Testing, certification, labeling and enforcement.

4 3408. Severability.

5 § 3401. Short title of chapter.

6 This chapter shall be known and may be cited as the
7 Pennsylvania Energy and Water Efficiency Standards Act.

8 § 3402. General purpose, legislative findings and scope of
9 chapter.

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

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

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

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

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

1 and other fuels.

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

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

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

13 (1) Air purifiers.

14 (2) Commercial dishwashers.

15 (3) Commercial fryers.

16 (4) Commercial hot-food holding cabinets.

17 (5) Commercial ovens.

18 (6) Commercial steam cookers.

19 (7) Electric vehicle supply equipment

20 (8) Faucets.

21 (9) High CRI, cold-temperature and impact-resistant
22 fluorescent lamps.

23 (10) Portable electric spas.

24 (11) Residential ventilating fans.

25 (12) Showerheads.

26 (13) Spray sprinkler bodies.

27 (14) State-regulated general service lamps.

28 (15) Urinals.

29 (16) Water closets.

30 (17) Water coolers.

1 (18) 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 and which can be moved
23 from room to room.

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

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

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

30 (1) is specifically designed to start at -20°F when used

1 with a ballast conforming to the requirements of ANSI C78.81
2 and ANSI C78.901; and

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

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

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

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

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

28 "Commercial steam cooker" or "compartment steamer." A device
29 with one or more food-steaming compartments in which the energy
30 in the steam is transferred to the food by direct contact. The

1 term may include countertop models, wall-mounted models and
2 floor models mounted on a stand, pedestal or cabinet-style base.

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

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

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

10 "Dual-flush water closet." A water closet incorporating a
11 feature that allows the user to flush the water closet with
12 either a reduced or full volume of water.

13 "Electric vehicle supply equipment." The conductors,
14 including the ungrounded, grounded and equipment-grounding
15 conductors, electric vehicle connectors, attachment plugs, and
16 all other fittings, devices, power outlets or apparatuses
17 installed specifically for the purpose of delivering energy from
18 the premises wiring to the electric vehicle. Charging cords with
19 NEMA 5-15P and NEMA 5-20P attachment plugs are considered
20 electric vehicle supply equipment. The term does not include
21 conductors, connectors and fittings that are part of a vehicle.

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

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

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

29 "High color rendering index (CRI) fluorescent lamp." A
30 fluorescent lamp with a color rendering index of 87 or greater

1 that is not a compact fluorescent lamp.

2 "Hot and cold units." A water dispenser that emits both hot
3 and cold water. The term includes a dispenser that emits room-
4 temperature water.

5 "Impact-resistant fluorescent lamp." A fluorescent lamp that
6 is not a compact fluorescent lamp that:

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

10 (2) is designated and marketed for the intended
11 application with:

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

13 (ii) marketing materials that identify the lamp as
14 being impact resistant, shatter resistant, shatter proof
15 or shatter protected.

16 "Industrial air purifier." An indoor air cleaning device
17 manufactured, advertised, marketed, labeled and used solely for
18 industrial use that is marketed solely through industrial supply
19 outlets or businesses and prominently labeled as "Solely for
20 industrial use. Potential health hazard: emits ozone."

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

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

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

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

30 "Pressure regulator." A device that maintains constant

1 operating pressure immediately downstream from the device, given
2 higher pressure upstream.

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

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

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

11 "Showerhead." A device through which water is discharged for
12 a shower bath. The term includes a hand-held showerhead but does
13 not include a safety-shower showerhead.

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

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

19 (1) Reflector lamps that are:

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

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

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

24 (2) B, BA, CA, F and G shape lamps as defined in ANSI
25 C79.1:2002 with a lumen output of greater than or equal to
26 200 and rated at 40 watts or less.

27 (3) A and C shape lamps as defined in ANSI C79.1:2002
28 with lumen output greater than or equal to 200 and less than
29 310.

30 (4) Shatter-resistant lamps.

1 (5) Three-way lamps.

2 "Storage type." The storage of thermally conditioned water
3 in a reservoir in the water cooler that is available
4 instantaneously. The term includes point-of-use, dry storage
5 compartment and bottled water coolers.

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

8 "Urinal." A plumbing fixture that receives only liquid body
9 waste and conveys the waste through a trap into a drainage
10 system.

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

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

16 § 3404. Standards.

17 (a) Regulations.--Not later than one year after the
18 effective date of this section, the chairperson, in consultation
19 with the Secretary of Environmental Protection, shall promulgate
20 regulations, in accordance with the provisions of section 502 of
21 the act of June 28, 1995 (P.L.89, No.18), known as the
22 Conservation and Natural Resources Act, establishing minimum
23 efficiency standards for the types of new products set forth in
24 section 3402 (relating to general purpose, legislative findings
25 and scope of chapter).

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

28 (1) Air purifiers, except industrial air purifiers,
29 shall meet the following requirements as measured in
30 accordance with version 2.0 of the EPA's "Energy Star Program

1 Requirements Product Specification for Room Air Cleaners":

2 (i) clean air delivery rate (CADR) for dust shall be
3 30 or greater;

4 (ii) for models with a CADR for smoke less than 100,
5 CADR/Watt for smoke shall be greater than or equal to
6 1.7;

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

10 (iv) for models with a CADR for smoke greater than
11 or equal to 150, CADR/Watt for smoke shall be greater
12 than or equal to 2.0;

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

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

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

21 (2) Commercial dishwashers included in the scope of
22 version 2.0 of the EPA's "Energy Star Program Requirements
23 Product Specification for Commercial Dishwashers" shall meet
24 the qualification criteria of that specification.

25 (3) Commercial fryers included in the scope of version
26 2.0 of the EPA's "Energy Star Program Requirements Product
27 Specification for Commercial Fryers" shall meet the
28 qualification criteria of that specification.

29 (4) Commercial hot-food holding cabinets shall meet the
30 qualification criteria of version 2.0 of the EPA's "Energy

1 Star Program Requirements Product Specification for
2 Commercial Hot Food Holding Cabinets."

3 (5) Commercial ovens included in the scope of version
4 2.2 of the EPA's "Energy Star Program Requirements Product
5 Specification for Commercial Ovens" shall meet the
6 qualification criteria of that specification.

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

10 (7) Electric vehicle supply equipment included in the
11 scope of the ENERGY STAR Program Requirements Product
12 Specification for Electric Vehicle Supply Equipment, Version
13 1.0 (Rev. Apr-2017), shall meet the qualification criteria of
14 that specification.

15 (8) Faucets, except for metering faucets, shall meet the
16 following standards when tested in accordance with 10 CFR Pt.
17 430 Appendix S to Subpt. B (relating to uniform test method
18 for measuring the water consumption of faucets and
19 showerheads) in effect on January 1, 2021:

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

23 (ii) Residential kitchen faucets and replacement
24 aerators may not exceed a maximum flow rate of 1.8 gpm at
25 60 psi, with optional temporary flow of 2.2 gpm, provided
26 they default to a maximum flow rate of 1.8 gpm at 60 psi
27 after each use.

28 (iii) Public lavatory faucets and replacement
29 aerators may not exceed a maximum flow rate of 0.5 gpm at
30 60 psi.

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

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

14 (11) In-line residential ventilating fans shall have a
15 fan motor efficacy of no less than 2.8 cubic feet per minute
16 per watt. All other residential ventilating fans shall have a
17 fan motor efficacy of no less than 1.4 cubic feet per minute
18 per watt for airflows less than 90 cubic feet per minute and
19 no less than 2.8 cubic feet per minute per watt for other
20 airflows when tested in accordance with Home Ventilation
21 Institute Publication 916 "HVI Airflow Test Procedure."

22 (12) Showerheads may not exceed a maximum flow rate of
23 2.0 gpm at 80 psi when tested in accordance with 10 CFR Pt.
24 430 Appendix S to Subpt. B in effect on January 1, 2021.

25 (13) Spray sprinkler bodies that are not specifically
26 excluded from the scope of version 1.0 of the EPA's
27 "WaterSense Specification for Spray Sprinkler Bodies," shall
28 include an integral pressure regulator and shall meet the
29 water efficiency and performance criteria and other
30 requirements of that specification.

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

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

17 (i) Wall-mounted urinals, except for trough-type
18 urinals, shall have a maximum flush volume of 0.5 gallons
19 per flush.

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

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

26 (iv) Dual-flush tank-type water closets shall have a
27 maximum dual-flush effective flush volume of 1.28 gallons
28 per flush.

29 (16) Water coolers included in the scope of the EPA's
30 version 2.0 "Energy Star Program Requirements Product

1 Specification for Water Coolers" shall have an on mode with
2 no water draw and energy consumption less than or equal to
3 the following values as measured in accordance with the test
4 requirements of that program:

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

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

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

11 § 3405. Implementation.

12 (a) Requirement of efficiency.--Except as provided in
13 subsection (b), on or after January 1, 2023, no new device
14 listed under section 3402(c) (relating to general purpose,
15 legislative findings and scope of chapter) may be sold or
16 offered for sale, lease or rent in this Commonwealth unless the
17 efficiency of the new product meets or exceeds the efficiency
18 standards provided in section 3404 (relating to standards).

19 (b) Restriction on installation.--One year after the date on
20 which the sale or offering for sale of certain products becomes
21 subject to the requirements of subsection (a), no products may
22 be installed for compensation in this Commonwealth unless the
23 efficiency of the new product meets or exceeds the efficiency
24 standards provided in section 3404.

25 § 3406. New and revised standards and regulations.

26 The commission is authorized to prescribe rules and
27 regulations as it deems necessary to administer and enforce this
28 chapter and to establish increased efficiency standards for the
29 products listed or incorporated in section 3402 (relating to
30 general purpose, legislative findings and scope of chapter). The

1 chairperson may also establish standards for products not
2 specifically listed in section 3402. In considering the new or
3 amended standards, the chairperson, in consultation with the
4 Secretary of Environmental Protection, shall set efficiency
5 standards on a determination that increased efficiency standards
6 would serve to promote energy or water conservation in this
7 Commonwealth and would be cost effective for consumers who
8 purchase and use the new products, provided that no new or
9 increased efficiency standards shall become effective within one
10 year following the adoption of any amended regulations
11 establishing increased efficiency standards.

12 § 3407. Testing, certification, labeling and enforcement.

13 (a) Product testing.--The manufacturer of products covered
14 by this chapter shall test samples of their products in
15 accordance with the test procedures adopted under this chapter.
16 The chairperson may adopt updated test methods when new versions
17 of test procedures become available.

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

27 (c) Compliance mark, label or tag on product.--Manufacturers
28 of new products covered by section 3402 shall identify each
29 product offered for sale or installation in this Commonwealth as
30 in compliance with the provisions of this chapter by means of a

1 mark, label or tag on the product and packaging at the time of
2 sale or installation. The commission shall promulgate
3 regulations governing the identification of the products and
4 packaging, which shall be coordinated to the greatest practical
5 extent with the labeling programs of other Federal and State
6 agencies with equivalent efficiency standards. The chairperson
7 shall allow the use of existing marks, labels or tags, which
8 connote compliance with the efficiency requirements of this
9 chapter.

10 (d) Chairperson testing permitted.--The chairperson may test
11 products covered by section 3402. If tested products are found
12 not to be in compliance with the minimum efficiency standards
13 established under section 3404 (relating to standards), the
14 chairperson shall:

15 (1) charge the manufacturer of the product for the cost
16 of product purchase and testing; and

17 (2) make information available to the Attorney General
18 and the public on products found not to be in compliance with
19 the standards.

20 (e) Periodic inspections.--With prior notice and at
21 reasonable and convenient hours, the chairperson may cause
22 periodic inspections to be made of distributors or retailers of
23 new products covered by section 3402 in order to determine
24 compliance with the provisions of this chapter. The chairperson
25 shall also coordinate with the Secretary of Labor and Industry
26 regarding inspections prior to occupancy of a newly constructed
27 building containing new products that are also covered by the
28 the act of November 10, 1999 (P.L.491, No.45), known as the
29 Pennsylvania Construction Code Act.

30 (f) Complaint process.--The chairperson shall investigate

1 complaints received concerning violations of this chapter and
2 shall report the results of the investigations to the Attorney
3 General. The Attorney General may institute proceedings to
4 enforce the provisions of this chapter. Any manufacturer,
5 distributor or retailer, or any person who installs a product
6 covered by this chapter for compensation, who violates any
7 provision of this chapter shall be issued a warning by the
8 chairperson for any first violation and subject to a civil
9 penalty of up to \$100 for each offense. Repeat violations shall
10 be subject to a civil penalty of not more than \$500 for each
11 offense. Each violation shall constitute a separate offense and
12 each day the violation continues shall constitute a separate
13 offense. Penalties assessed under this subsection are in
14 addition to costs assessed under subsection (d).
15 § 3408. Severability.

16 The provisions of this chapter are severable. If any
17 provision of this chapter or its application to any person or
18 circumstance is held invalid, the invalidity shall not affect
19 other provisions or applications of this chapter that can be
20 given effect without the invalid provision or application.

21 Section 2. All regulations and parts of regulations are
22 abrogated to the extent of any inconsistency with the provisions
23 of this act.

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

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