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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1099 Session of  
2020

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INTRODUCED BY L. WILLIAMS, FARNESE, FONTANA, COSTA, BARTOLOTTA,  
SANTARSIERO, HUGHES, KILLION, TARTAGLIONE, BLAKE AND MUTH,  
APRIL 3, 2020

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
APRIL 3, 2020

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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. Protection against repeal of Federal standards.  
3 3408. Testing, certification, labeling and enforcement.  
4 3409. 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) Faucets.

20 (8) General service lamps.

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) Urinals.

28 (15) Water closets.

29 (16) Water coolers.

30 (17) Any other products as may be designated by the

1 chairperson in accordance with this section or by operation  
2 of law under section 3408 (relating to testing,  
3 certification, labeling and enforcement).

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

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

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

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

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

15 § 3403. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 "General service lamp." The following:

24 (1) A lamp that:

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

27 (A) 12 volts or 24 volts;

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

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

30 (D) 277 volts for integrated lamps. For the

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

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

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

14 (iii) is not a light fixture;

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

16 (v) is used in general lighting applications.

17 (2) The term includes:

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

30 (A) an appliance lamp;

1                   (B) a black light lamp;  
2                   (C) a bug lamp;  
3                   (D) a colored lamp;  
4                   (E) a G-shaped lamp with a diameter of 5 inches  
5                   or more as defined in ANSI C79.1-2002;

6                   (F) an infrared lamp;

7                   (G) a left-hand thread lamp;

8                   (H) a marine lamp;

9                   (I) a marine signal service lamp;

10                  (J) a mine service lamp;

11                  (K) a plant light lamp;

12                  (L) an R20 short lamp;

13                  (M) a sign service lamp;

14                  (N) a silver bowl lamp;

15                  (O) a showcase lamp; and

16                  (P) a traffic signal lamp;

17                  (ii) compact fluorescent lamps;

18                  (iii) general service light-emitting diode lamps. As  
19                  used in this subparagraph, the term "general service  
20                  light-emitting diode lamp" means an integrated or non-  
21                  integrated light-emitting diode lamp designed for use in  
22                  general lighting applications and that uses light-  
23                  emitting diodes as the primary source of light; and

24                  (iv) general service organic light-emitting diode  
25                  lamps. As used in this subparagraph, the term "general  
26                  service organic light-emitting diode" means an integrated  
27                  or non-integrated organic light-emitting diode lamp  
28                  designed for use in general lighting applications and  
29                  that uses organic light-emitting diodes as the primary  
30                  source of light.



- 1           (3) The term does not include:
- 2           (i) an appliance lamp;
- 3           (ii) a black light lamp;
- 4           (iii) a bug lamp;
- 5           (iv) a colored lamp;
- 6           (v) a G-shaped lamp with a diameter of 5 inches or  
7 more as defined in ANSI C79.1-2002;
- 8           (vi) a general service fluorescent lamp;
- 9           (vii) a high intensity discharge lamp;
- 10          (viii) an infrared lamp;
- 11          (ix) a J, JC, JCD, JCS, JCV, JCX, JD, JS and JT  
12 shaped lamp that does not have an Edison screw base;
- 13          (x) a lamp that has a wedge base or prefocus base;
- 14          (xi) a left-hand thread lamp;
- 15          (xii) a marine lamp;
- 16          (xiii) a marine signal service lamp;
- 17          (xiv) a mine service lamp;
- 18          (xv) an MR-shaped lamp that has a first number  
19 symbol equal to 16 and diameter equal to 2 inches, as  
20 defined in ANSI C79.1-2002, which operates at 12 volts  
21 and has a lumen output greater than or equal to 800;
- 22          (xvi) other fluorescent lamps;
- 23          (xvii) a plant light lamp;
- 24          (xviii) an R20 short lamp;
- 25          (xix) a reflector lamp that has a first number  
26 symbol less than 16, diameter less than 2 inches, as  
27 defined in ANSI C79.1-2002 and that does not have  
28 E26/E24, E26d, E26/50x39, E26/53x39, E29/28, E29/53x39,  
29 E39, E39d, EP39 or EX39 bases;
- 30          (xx) an S-shaped or G-shaped lamp that has a first

number symbol less than or equal to 12.5 and diameter less than or equal to 1.5625 inches, as defined in ANSI C79.1-2002;

(xxi) a sign service lamp;

(xxii) a silver bowl lamp;

(xxiii) a showcase lamp;

(xxiv) a specialty MR lamp;

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

(xxvi) a traffic signal lamp; and

(xxvii) an incandescent reflector lamp.

"Hand-held showerhead." 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.

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

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

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

1           (i) the designation on the lamp packaging; and  
2           (ii) marketing materials that identify the lamp as  
3           being impact resistant, shatter resistant, shatter proof  
4           or shatter protected.

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

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

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

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

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

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

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

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

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

30          "SACC." Seasonally adjusted cooling capacity in British

1 thermal units (BTU) per hour.

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

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

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

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

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

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

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

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

27 § 3404. Standards.

28 (a) Regulations.--Not later than one year after the  
29 effective date of this section, the chairperson, in consultation  
30 with the Secretary of Environmental Protection, shall promulgate

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

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

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

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

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

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

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

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

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

29 (vii) for models without a Wi-Fi network connection  
30 enabled by default when shipped, partial on-mode power

1           shall not exceed 1 watt.

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

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

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

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

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

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

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

29           (ii) Residential kitchen faucets and replacement  
30 aerators may not exceed a maximum flow rate of 1.8 gpm at

1 60 psi, with optional temporary flow of 2.2 gpm, provided  
2 they default to a maximum flow rate of 1.8 gpm at 60 psi  
3 after each use.

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

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

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

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

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

30 (12) Showerheads may not exceed a maximum flow rate of

1 2.0 gpm at 80 psi when tested in accordance with 10 CFR Pt.  
2 430 Appendix S to Subpt. B in effect on January 3, 2017.

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

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

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

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

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

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



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

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

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

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

13 § 3405. Implementation.

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

21       (b) General service lamp compliance.--No later than six  
22 months from the date of enactment of this chapter, and as  
23 necessary thereafter, the chairperson, in consultation with the  
24 Attorney General, shall determine which general service lamps  
25 are subject to Federal preemption. On or after six months  
26 following the effective date of this section, no general service  
27 lamp that is not subject to Federal preemption may be sold or  
28 offered for sale in this Commonwealth unless the efficiency of  
29 the new product meets or exceeds the efficiency standards  
30 provided in section 3404.

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

7 § 3406. New and revised standards and regulations.

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

24 § 3407. Protection against repeal of Federal standards.

25 (a) Minimum standard if Federal standards withdrawn or  
26 repealed.--If any of the energy or water conservation standards  
27 issued or approved for publication by the Office of the United  
28 States Secretary of Energy as of January 1, 2018, under 10 CFR  
29 Pts. 430 (relating to energy conservation program for consumer  
30 products) and 431 (relating to energy efficiency program for

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

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

16 § 3408. Testing, certification, labeling and enforcement.

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

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

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

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

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

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

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

1 building containing new products that are also covered by the  
2 the act of November 10, 1999 (P.L.491, No.45), known as the  
3 Pennsylvania Construction Code Act.

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

19 § 3409. Severability.

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

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

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

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