
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1324 Session of
2013

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AND KORTZ, MAY 6, 2013

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MAY 6, 2013

AN ACT

1 Providing for minimum energy efficiency standards for certain
2 appliances and equipment; providing for the powers and duties
3 of the Department of Environmental Protection and the
4 Attorney General; and establishing the Appliance Energy
5 Efficiency Fund.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Appliance
10 Energy Efficiency Standards Act.

11 Section 2. Definitions.

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

15 "Art work light fixture." A light fixture designed only to
16 be mounted directly to or adjacent to art work and for the
17 purpose of illuminating that art work.

18 "Attorney General." The Attorney General of the

1 Commonwealth.

2 "Board." The Environmental Quality Board of the
3 Commonwealth.

4 "Bottle-type water dispenser." A water dispenser that uses a
5 bottle or reservoir as the source of potable water.

6 "Combination television." A system in which a television or
7 television monitor and an additional device or devices
8 including, but not limited to, a DVD player or a VCR, are
9 combined into a single unit in which the additional devices are
10 included in the television casing.

11 "Commercial hot food holding cabinet." A heated, fully
12 enclosed compartment with one or more doors that is designed to
13 maintain the temperature of hot food that has been cooked in a
14 separate appliance. The term does not include heated glass
15 merchandising cabinets, drawer warmers or cook-and-hold
16 appliances.

17 "Component television." A television composed of two or more
18 separate components marketed and sold as a television under one
19 model or system designation. An example of a component
20 television is a separate display device and tuner that is sold
21 as a model or a system. A component television may have more
22 than one power cord.

23 "Computer monitor." An analog or digital device designed
24 primarily for the display of computer-generated signals and that
25 is not marketed for use as a television.

26 "Covered product." New products sold, offered for sale or
27 installed in this Commonwealth that are subject to the terms of
28 this act.

29 "Department." The Department of Environmental Protection of
30 the Commonwealth.

1 "Department of Energy." The United States Department of
2 Energy.

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

4 "Fund." The Appliance Energy Efficiency Fund established in
5 section 9.

6 "LED light engine." A subsystem of an LED light fixture that
7 includes one or more LED components, including an LED driver
8 power source with electrical and mechanical interfaces, and an
9 integral heat sink to provide thermal dissipation and that may
10 be designed to accept additional components that provide
11 aesthetic, optical and environmental control.

12 "LED light fixture." A complete lighting unit consisting of
13 an LED light source, with one or more LED lamps or LED light
14 engines, together with parts to distribute light, to position
15 and protect the light source and to connect the light source to
16 electrical power.

17 "Light fixture." A product designed to provide light that
18 includes at least one lamp socket and parts to distribute the
19 light, to position or protect one or more lamps and to connect
20 one or more lamps to a power supply.

21 "Portable electric spa." A factory-built electric spa or hot
22 tub, supplied with equipment for heating and circulating water.

23 "Portable light fixture." A light fixture that has a
24 flexible cord and an attachment plug for connection to a nominal
25 120-volt circuit that allows the user to relocate the product
26 without any rewiring and that typically can be controlled with a
27 switch on the product or the power cord of the product. The term
28 does not include art work light fixtures, direct plug-in night
29 lights, sun or heat lamps, medical or dental lights, portable
30 electric hand lamps, signs or commercial advertising displays,

1 photographic lamps, germicidal lamps or light fixtures for
2 marine use or for use in hazardous locations as those terms are
3 designated in ANSI/NFPA 70 of the National Electrical Code, or
4 its successor standard. The term does not include decorative
5 lighting strings, decorative lighting outfits or electric
6 candles or candelabra without lamp shades that are covered under
7 Underwriter Laboratories (UL) standard 588, "Seasonal and
8 Holiday Decorative Products.", or its successor standard.

9 "Secretary." The Secretary of Environmental Protection of
10 the Commonwealth.

11 "Television." An analog or digital device designed primarily
12 for the display and reception of a terrestrial, satellite, cable
13 Internet Protocol TV (IPTV) or other broadcast or recorded
14 transmission of analog or digital signals. The term includes
15 combination televisions, television monitors, component
16 televisions and any product that is marketed as a television.
17 The term does not include computer monitors.

18 "Television monitor." A television that does not have an
19 internal tuner or receiver or a playback device.

20 "Total horsepower." The product of a motor's service factor
21 and nameplate horsepower.

22 "Water dispenser." A factory-made assembly that mechanically
23 cools and heats potable water and that dispenses the cooled or
24 heated water by integral or remote means.

25 Section 3. Scope.

26 (a) General rule.--This act shall apply to the testing,
27 certification and enforcement of efficiency standards for all
28 covered products.

29 (b) Exclusions.--This act shall not apply to any of the
30 following:

1 (1) New products manufactured in this Commonwealth and
2 sold outside this Commonwealth.

3 (2) New products manufactured outside this Commonwealth
4 and sold at wholesale inside this Commonwealth for final
5 retail sale and installation outside this Commonwealth.

6 (3) Products installed in manufactured homes at the time
7 of construction.

8 (4) Products designed expressly for installation and use
9 in recreational vehicles.

10 Section 4. Efficiency standards.

11 In accordance with section 6, the secretary may adopt minimum
12 efficiency standards and other requirements to meet the purposes
13 of this act. For covered products, the standards shall be no
14 less stringent than the following minimum efficiency standards:

15 (1) Bottle-type water dispensers designed for dispensing
16 both hot and cold water shall not have standby energy
17 consumption greater than 1.2 kilowatt hours per day, as
18 measured in accordance with the test criteria contained in
19 version 1 of the EPA's "Energy Star Program Requirements for
20 Bottled Water Coolers," except units with an integral,
21 automatic timer shall not be tested using Section D, "Timer
22 Usage," of the test criteria.

23 (2) Commercial hot food holding cabinets with interior
24 volume of 8 cubic feet or greater shall have a maximum idle
25 energy rate of 40 watts per cubic foot of interior volume, as
26 determined by the "idle energy rate-dry test" in ASTM F2140-
27 01, "Standard Test Method for Performance of Hot Food Holding
28 Cabinets" published by ASTM International. Interior volume
29 shall be measured in accordance with the method shown in the
30 EPA's "Energy Star Program Requirements for Commercial Hot

1 Food Holding Cabinets" as in effect on August 15, 2003.

2 (3) Portable light fixtures shall meet one or more of
3 the following requirements:

4 (i) Be a fluorescent light fixture that meets the
5 requirements of the EPA's "Energy Star Program for
6 Residential Light Fixtures Version 4.2."

7 (ii) Be equipped with only one or more GU-24 line
8 voltage sockets, not be rated for use with incandescent
9 lamps of any type, as defined in ANSI standards, and meet
10 the requirements of the EPA's "Energy Star Program for
11 Residential Light Fixtures Version 4.2," including line
12 voltage or low voltage.

13 (iii) Be an LED light fixture or a light fixture
14 with an LED light engine and comply with the following
15 minimum requirements:

16 (A) Minimum light output: 200 lumens - initial.

17 (B) Minimum LED light engine efficacy: 40
18 lumens/watt in fixtures that meet the minimum light
19 fixture efficacy of 29 lumens/watt or, alternatively,
20 a minimum LED light engine efficacy of 60 lumens/watt
21 for fixtures that do not meet the minimum light
22 fixture efficacy of 29 lumens per watt.

23 (C) All portable fixtures shall have a minimum
24 LED light fixture efficacy of 29 lumens/watt and a
25 minimum LED light engine efficacy of 60 lumens/watt
26 by January 1, 2018.

27 (D) Color Correlated Temperature (CCT): 2700K
28 through 4000K.

29 (E) Minimum Color Rendering Index (CRI): 75.

30 (F) Power factor equal to or greater than 0.70.

1 (G) Portable light fixtures that have internal
2 power supplies shall have zero standby power when the
3 light fixture is turned off.

4 (H) LED light sources shall deliver at least 70%
5 of initial lumens for at least 25,000 hours.

6 (iv) Be equipped with an ANSI-designated E12, E17 or
7 E26 screw-based socket and be prepackaged and sold
8 together with one screw-based compact fluorescent lamp or
9 screw-based LED lamp for each screw-based socket on the
10 light fixture. The compact fluorescent or LED lamps
11 prepackaged with the light fixture shall be fully
12 compatible with any light fixture controls incorporated
13 into the light fixture, such as, light fixtures with
14 dimmers shall be packed with dimmable lamps. Compact
15 fluorescent lamps prepackaged with light fixtures shall
16 meet the requirements of the EPA's "Energy Star Program
17 for CFLs, Version 4.0."

18 (v) Be equipped with one or more single-ended, non-
19 screw-based halogen lamp sockets, line or low voltage, a
20 dimmer control or high-low control, and be rated for a
21 maximum of 100W.

22 (4) Portable electric spas shall not have a normalized
23 standby power greater than $5(V^{2/3})$ Watts where V=the fill
24 volume in gallons, as measured in accordance with the test
25 method for portable electric spas contained in section 1604,
26 title 20, California Code of Regulations as amended on
27 December 3, 2008.

28 (5) Televisions with a viewable screen area no greater
29 than 1400 square inches shall:

30 (i) use no more than $(0.12 \times \text{viewable screen area})$

1 (in2) + 25) watts in on mode;
2 (ii) use no more than one (1) watt in standby
3 passive mode; and
4 (iii) have a peak luminance in the preset mode
5 designed for typical home use and for the default mode as
6 shipped that is no less than 65% of the peak luminance at
7 the brightest setting.

8 Section 5. Implementation.

9 (a) Sale of new products.--On or after January 1, 2015, no
10 covered product may be sold or offered for sale in this
11 Commonwealth unless the efficiency of the covered product meets
12 or exceeds the efficiency standards set forth in this section or
13 adopted pursuant to section 6.

14 (b) Installation of new products.--On or after January 1,
15 2016, no covered product may be installed in this Commonwealth
16 unless the efficiency of the new product meets or exceeds the
17 efficiency standards set forth in section 4 or adopted pursuant
18 to section 6.

19 Section 6. New and revised standards.

20 (a) General rule.--The board may establish new or increased
21 efficiency standards for covered products by regulation. The
22 board may also establish standards for products not included in
23 the definition of covered products. In considering new or
24 amended standards, the board shall set efficiency standards upon
25 a determination that increased efficiency standards would
26 promote energy conservation in the State and would be cost-
27 effective for consumers who purchase and use the new products,
28 provided that no new or increased efficiency standards may
29 become effective within one year following the adoption of any
30 amended regulations establishing the increased efficiency

1 standards.

2 (b) Secretary's authority.--Notwithstanding subsection (a),
3 and in order to facilitate the speedy implementation of this
4 act, the secretary shall have the power and authority to adopt
5 new or increased energy efficiency standards for covered
6 products through guidelines, which shall be published in the
7 Pennsylvania Bulletin. The guidelines shall not be subject to
8 review pursuant to section 204(b) of the act of October 15, 1980
9 (P.L. 950, No. 164), known as the Commonwealth Attorneys Act and
10 shall not be subject to review pursuant to the act of June 25,
11 1982 (P.L. 633, No. 181), known as the Regulatory Review Act.
12 The guidelines shall be effective until the board adopts a final
13 rulemaking establishing new or increased energy efficiency
14 standards relating to that covered product.

15 (c) Standard determinations.--In order to exercise the
16 authority in subsection (b), the secretary must determine that
17 all of the following apply:

18 (1) The standards will promote energy conservation in
19 this Commonwealth.

20 (2) The standards will be cost-effective for consumers
21 who purchase and use the products.

22 (3) The standards are used by the industry and are
23 publicly available in the United States.

24 (4) Products that meet the standards are widely
25 available for purchase at retailers in Pennsylvania.

26 (d) Adopted standards.--Standards adopted under subsection
27 (b) shall not become effective until six months following
28 publication in the Pennsylvania Bulletin.

29 (e) Waiver.--The department may apply for a waiver of
30 Federal preemption in accordance with section 327 of the Energy

1 Policy and Conservation Act (Public Law 94-163, 89 Stat. 871).

2 Section 7. Administration.

3 (a) Testing.--If the procedures for testing the energy
4 efficiency of covered products are not provided under State law,
5 the department shall use the Department of Energy approved test
6 methods or, in the absence of such test methods, other
7 appropriate nationally or State-recognized test methods. The
8 manufacturers of covered products shall provide to the
9 department, certification of the test data of the samples tested
10 in accordance with the test procedures adopted pursuant to this
11 act or those specified in other State law.

12 (b) Manufacturer certification.--Manufacturers of covered
13 products shall certify to the department that the products are
14 in compliance with the provisions of this act. The board shall
15 adopt regulations governing the certification of the products
16 and may work in coordination with the certification program of
17 other states with like standards.

18 (c) Reciprocity.--The board shall adopt regulations
19 governing the certification of new products and may coordinate
20 with the certification programs of other states with similar
21 standards. Any manufacturer that has certified a product to
22 another state or to the EPA Energy Star Program may provide the
23 department with a copy of the certification that the
24 manufacturer made to the other state or agency in place of a
25 separate certification to the department, provided that:

26 (1) the other state's standards or the Energy Star
27 specifications are equivalent to or more stringent than the
28 standards established under this act; and

29 (2) all information required by the regulations adopted
30 under paragraph (1) is included in the certification.

1 (d) Identification.--A manufacturer of covered products
2 shall identify that each product offered for sale or installed
3 in this Commonwealth is in compliance with the provisions of
4 this act by means of a mark, label or tag on the product and
5 packaging at the time of sale or installation. The board shall
6 adopt regulations governing the identification of the products
7 and packaging and may work in coordination with the labeling
8 programs of other states with like standards.

9 (e) Noncompliant tested products.--The department may test a
10 covered product using an accredited testing facility. The board
11 shall adopt regulations governing the identification testing
12 protocols from similar states or the EPA Energy Star Program and
13 may work in coordination with testing programs of other states
14 with like standards or the EPA Energy Star Program. If a product
15 is tested and is not in compliance with the minimum efficiency
16 standards established under section 6 or adopted pursuant to
17 this section, the department shall:

18 (1) Charge the manufacturer of the product for the cost
19 of product purchase and testing.

20 (2) Provide information to the public on the products.

21 (f) Periodic inspection.--The department may cause periodic
22 inspections to be made of distributors or retailers of covered
23 products in order to determine compliance with the provisions of
24 this act. The department shall cooperate with other Commonwealth
25 agencies to coordinate inspections for covered products that are
26 covered by other state laws.

27 (g) Regulations.--The board shall adopt regulations as
28 necessary to ensure the proper implementation and enforcement of
29 the provisions of this act.

30 Section 8. Unlawful conduct.

1 It shall be unlawful to:

2 (1) fail to comply with, or to cause or assist in the
3 violation of, any of the provisions of this act or rules,
4 regulations and guidelines adopted under this act;

5 (2) to fail to comply with any order of the department;

6 (3) hinder, obstruct, prevent or interfere with the
7 department or its personnel in the performance of any duty
8 under this act; or

9 (4) violate the provisions of 18 Pa.C.S. § 4903

10 (relating to false swearing) or 4904 (relating to unsworn

11 falsification to authorities) in regard to papers required to
12 be submitted under this act.

13 Section 9. Civil penalties and remedies.

14 (a) Civil penalty.--

15 (1) In addition to proceeding under any other remedy,
16 for a violation of a provision of this act or a rule or
17 regulation adopted or order issued under this act, the
18 department may assess a civil penalty of not more than \$250
19 for the first day of each offense and \$250 for each
20 additional day of continuing violation. In determining the
21 amount of the penalty, the department may consider:

22 (i) The extent of the violation.

23 (ii) The willfulness of the violation.

24 (iii) Previous violations.

25 (iv) The economic benefit to the violator for
26 failing to comply with this act.

27 (2) Whenever the department finds it appropriate, the
28 department may issue a warning in lieu of assessing a penalty
29 where the manufacturer, distributor or retailer takes
30 immediate action to resolve the violation and come into

1 compliance.

2 (b) Collection.--In cases of inability to collect the civil
3 penalty or failure of any person to pay all or a portion of the
4 penalty, as the department may determine, the department may
5 refer the matter to the Office of Attorney General, which shall
6 take appropriate action to recover the penalty. Any penalty
7 assessed shall act as a lien on the property of the person
8 against whom the penalty has been assessed.

9 (c) Civil remedies.--In order to restrain or prevent any
10 violation of this act or the rules and regulations promulgated
11 under this act or any order issued under this act, suits may be
12 instituted in equity or at law. These proceedings may be
13 prosecuted in the Commonwealth Court or in the court of common
14 pleas of the county where the activity has taken place, the
15 condition exists or the public is affected. In addition to an
16 injunction, the court in an equity proceeding may assess civil
17 penalties in accordance with this section. The court may, in its
18 decree, fix a reasonable time during which the person
19 responsible for the violation may make provision for the
20 abatement of the violation.

21 Section 10. Appliance Energy Efficiency Fund.

22 There is hereby created a special nonlapsing account in the
23 General Fund to be known as the Appliance Energy Efficiency
24 Fund. All fees, fines, judgments, bond forfeitures, interest and
25 recovered costs collected by the department under this act shall
26 be paid into the Appliance Energy Efficiency Fund. All moneys
27 placed in the Appliance Energy Efficiency Fund and the interest
28 it accrues are hereby appropriated, upon authorization by the
29 Governor, to the department for the costs of implementing the
30 energy efficiency program created by this act.

1 Section 11. Enforcement orders.

2 The department may issue orders as necessary to aid in the
3 enforcement of the provisions of this act. Any order issued
4 under this section shall take effect upon notice unless the
5 order specifies otherwise.

6 Section 12. Powers reserved under existing laws.

7 Nothing contained in this act may limit the powers conferred
8 upon the department or the Office of Attorney General under laws
9 other than this act, including the act of December 4, 1996 (P.L.
10 906, No 146), known as the Unfair Trade Practices and Consumer
11 Protection Law. Nothing contained in this act may alter other
12 rights of action or remedies. A court exercising general
13 equitable jurisdiction shall not be deprived of jurisdiction
14 even though a violation of this act is subject to regulation or
15 other action by the Commonwealth. The collection of a penalty
16 imposed under the provisions of this act shall not be construed
17 as estopping the Commonwealth from proceeding in courts of law
18 or equity address violations of this act or rules, regulations
19 and guidelines adopted under this act or an order of the
20 department.

21 Section 13. Severability.

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

27 Section 14. Effective date.

28 This act shall take effect in 60 days.