

**ENROLLED BILL**

-- Environmental Matters/Education, Health, and Environmental Affairs --

Introduced by ~~Delegate Bronrott~~ Delegates Bronrott and McMillan

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Government - Energy Efficiency Standards - ~~Technical Corrections~~**

3 FOR the purpose of altering certain minimum efficiency standards for certain  
4 products; repealing certain minimum efficiency standards for certain products;  
5 authorizing the Maryland Energy Administration to limit certain delays for  
6 certain categories of products; requiring the Administration to adopt certain  
7 procedures by rule after notice and comment; authorizing certain  
8 manufacturers who make certifications in other states based on standards that  
9 are equal to or more stringent than the standards in Maryland to use the same  
10 certification in Maryland that was used in other states under certain  
11 circumstances; providing for the application of certain labeling requirements;  
12 requiring certain labels on certain products; setting forth the effective date for  
13 the implementation of certain efficiency standards; providing for a delayed  
14 effective date for certain labeling requirements; defining certain terms; altering  
15 certain terms; and generally relating to energy efficiency standards.

16 BY repealing and reenacting, with amendments,

1 Article - State Government  
 2 Section 9-2006  
 3 Annotated Code of Maryland  
 4 (2004 Replacement Volume)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article - State Government**

8 9-2006.

9 (a) (1) In this section the following words have the meanings indicated.

10 (2) ~~"Ceiling fan" means a nonportable device that is suspended from a~~  
 11 ~~ceiling for the purpose of circulating air via the rotation of fan blades.~~

12 (3) ~~"Ceiling fan light kit" means equipment designed to provide light~~  
 13 ~~from a ceiling fan, which can be:~~

14 (i) ~~integral, such that the equipment is hardwired to the ceiling~~  
 15 ~~fan; or~~

16 (ii) ~~attachable, such that at the time of sale the equipment is not~~  
 17 ~~physically attached to the ceiling fan but may be included inside the ceiling fan~~  
 18 ~~package at the time of sale or sold separately for subsequent attachment to the fan.~~

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 20 ceiling for the purpose of circulating air via the rotation of fan blades.

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 22 a ceiling fan, which can be:

23 (i) integral, such that the equipment is hardwired to the ceiling fan;  
 24 or

25 (ii) attachable, such that at the time of sale the equipment is not  
 26 physically attached to the ceiling fan but may be included inside the ceiling fan  
 27 package at the time of sale or sold separately for subsequent attachment to the fan.

28 (4) ~~(2)~~ (4) "Commercial clothes washer" means a soft mount  
 29 front-loading or soft mount top-loading clothes washer that is designed for use in:

30 (i) applications where the occupants of more than one household  
 31 will be using it, including multifamily housing common areas and coin laundries; or

32 (ii) other commercial applications, if the clothes container  
 33 compartment is not greater than:

34 1. 3.5 cubic feet for horizontal-axis clothes washers; or

1 2. 4.0 cubic feet for vertical-axis clothes washers.

2 ~~(5)~~ ~~(3)~~ (5) (i) "Commercial refrigeration cabinet" means a  
3 refrigerator, freezer, or refrigerator-freezer designed for use by commercial or  
4 institutional facilities for the purpose of storing food products, ice, or other perishable  
5 items at specified temperatures and that may be configured with either solid or  
6 transparent doors as a:

7 1. reach-in cabinet;

8 2. pass-through cabinet;

9 3. roll-in cabinet; or

10 4. roll-through cabinet.

11 (ii) "Commercial refrigeration cabinet" does not include:

12 1. a product with 85 cubic feet or more of internal volume;

13 2. a walk-in refrigerator or walk-in freezer; [or]

14 3. a consumer product regulated under the National  
15 Appliance Energy Conservation Act of 1987 (Public Law 100-12); OR

16 4. ANY REFRIGERATOR, FREEZER, OR  
17 REFRIGERATOR-FREEZER DESIGNED AND MARKETED EXCLUSIVELY FOR MEDICAL,  
18 SCIENTIFIC, OR RESEARCH PURPOSES.

19 ~~(6)~~ ~~"HUGGER FAN" MEANS A CEILING FAN DESIGNED FOR THE MOTOR~~  
20 ~~TO BE MOUNTED DIRECTLY TO THE CEILING WITHOUT AN EXTENDER.~~

21 ~~{(6)}~~ ~~(7)~~ (4) "Illuminated exit sign" means an internally illuminated  
22 sign that is designed to be permanently fixed in place to identify an exit and the  
23 background of which is not transparent.

24 ~~{(7)}~~ ~~(8)~~ (5) "Large packaged air-conditioning equipment" means  
25 packaged air-conditioning equipment with [over] AT LEAST 20 tons ~~TO 80 TONS,~~  
26 ~~INCLUSIVE, BUT NOT MORE THAN 80 TONS~~ of cooling capacity.

27 ~~{(8)}~~ ~~(9)~~ (6) (i) "Low-voltage dry-type distribution transformer"  
28 means a distribution transformer that:

29 1. has an input voltage of 600 volts or less;

30 2. is air-cooled; and

31 3. does not use oil as a coolant.

32 (ii) "Low-voltage dry-type distribution transformer" does not  
33 include any of the following transformers:



1 ~~(10)~~ (12) ~~(11)~~ (13) "RETAILER" MEANS A PERSON ENGAGED IN THE BUSINESS OF  
 2 MAKING RETAIL SALES WITHIN THE STATE.

3 [(12)] ~~(13)~~ ~~(14)~~ (13) "Roll-in cabinet" means a commercial refrigerator or  
 4 commercial freezer with hinged or sliding doors that allow wheeled racks of product  
 5 to be rolled into the refrigerator or freezer.

6 [(13)] ~~(14)~~ ~~(15)~~ (14) "Roll-through cabinet" means a commercial  
 7 refrigerator or commercial freezer with hinged or sliding doors that allow wheeled  
 8 racks of product to be rolled through the refrigerator or freezer.

9 [(14)] ~~(15)~~ ~~(16)~~ (15) "Torchiere lighting fixture" means a portable electric  
 10 lighting fixture with a reflector bowl giving light directed upward so as to give  
 11 indirect illumination.

12 [(15)] ~~(16)~~ ~~(17)~~ (16) "Traffic signal" means a device consisting of a set of  
 13 signal lights operating in sequence and placed at intersections to regulate traffic.

14 [(16)] ~~(17)~~ ~~(18)~~ (17) "Traffic signal module" means a standard 8-inch  
 15 (200mm) or 12-inch (300mm) round traffic signal indication that:

16 (i) consists of a light source, lens, full-color ball, and all parts  
 17 necessary for operation; and

18 (ii) communicates movement messages to drivers through red,  
 19 amber, and green colors.

20 [(17)] ~~(18)~~ ~~(19)~~ (18) "Transformer" means a device consisting essentially of  
 21 two or more coils of insulated wire that transfers alternating current by  
 22 electromagnetic induction from one coil to another in order to change the original  
 23 voltage or current value.

24 [(18)] ~~(19)~~ ~~(20)~~ (19) (i) "Unit heater" means a self-contained fan-type  
 25 heater that:

26 1. is designed to be installed within the heated space; and

27 2. includes an apparatus or appliance to supply heat and a  
 28 fan for circulating air over a heat exchange surface, all enclosed in a common casing.

29 (ii) "Unit heater" does not include a "warm air furnace" as defined  
 30 under the federal Energy Policy Act of 1992.

31 ~~(20)~~ ~~(21)~~ (20) "WIDELY AVAILABLE IN MARYLAND" MEANS A  
 32 CONFORMING PRODUCT AVAILABLE IN THE STATE FROM THREE OR MORE  
 33 MANUFACTURERS.

34 (b) (1) This section applies to the testing, certification, and enforcement of  
 35 efficiency standards for the following types of new products sold, offered for sale, or  
 36 installed in the State:

- 1 (i) torchiere lighting fixtures;
- 2 (ii) unit heaters;
- 3 (iii) low-voltage dry-type distribution transformers;
- 4 ~~(iv) ceiling fans and ceiling fan light kits;~~
- 5 *(iv) [ceiling fans and] ceiling fan light kits;*
- 6 ~~(v)~~ ~~(IV)~~ (v) red and green traffic signal modules;
- 7 ~~(vi)~~ ~~(V)~~ (vi) illuminated exit signs;
- 8 ~~(vii)~~ ~~(VI)~~ (vii) commercial refrigeration cabinets;
- 9 ~~(viii)~~ ~~(VII)~~ (viii) large packaged air-conditioning equipment; and
- 10 ~~(ix)~~ ~~(VIII)~~ (ix) commercial clothes washers.

11 (2) This section does not apply to:

- 12 (i) new products manufactured in the State and sold outside the  
13 State;
- 14 (ii) new products manufactured outside the State and sold at  
15 wholesale inside the State for final retail sale and installation outside the State;
- 16 (iii) products installed in mobile manufactured homes at the time of  
17 construction; or
- 18 (iv) products designed expressly for installation and use in  
19 recreational vehicles.

20 (c) (1) On or before January 1, 2004, the Administration shall adopt  
21 regulations establishing minimum efficiency standards for the types of new products  
22 set forth in subsection (b)(1) of this section.

23 (2) The regulations shall provide for the following minimum efficiency  
24 standards:

- 25 (i) torchiere fixtures may not consume more than 190 watts and  
26 may not be capable of operating with lamps that total more than 190 watts;
- 27 (ii) unit heaters [may not have pilot lights] **SHALL BE EQUIPPED**  
28 **WITH AN INTERMITTENT IGNITION DEVICE** and shall have either power venting or an  
29 automatic flue damper;
- 30 (iii) the efficiency of all low-voltage dry-type distribution  
31 transformers may not be less than the values shown in Table 4-2 of National  
32 Electrical Manufacturers Association Standard TP-1-2002;

1 (iv) 1. ~~EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS~~  
 2 ~~SUBPARAGRAPH, ceiling fans and ceiling fan light kits shall meet the tier 1 criteria of~~  
 3 ~~version 1.1 of the product specification contained in the "Energy Star Program~~  
 4 ~~Requirements for Residential Ceiling Fans", developed by the U.S. Environmental~~  
 5 ~~Protection Agency that took effect on January 1, 2002; AND~~

6 2. ~~HUGGER FANS AND FANS OF LESS THAN 52 INCHES IN~~  
 7 ~~DIAMETER SHALL BE EXEMPT FROM THE AIRFLOW REQUIREMENTS OF~~  
 8 ~~SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH;~~

9 (iv) [ceiling fans and] ceiling fan light kits:

10 1. shall meet the tier 1 LIGHTING criteria of version 1.1 of the  
 11 product specification contained in the "Energy Star Program Requirements for  
 12 Residential Ceiling Fans", developed by the U.S. Environmental Protection Agency  
 13 that took effect on January 1, 2002; AND

14 2. MAY CONTAIN LIGHT SOURCES THAT ARE NOT COMPACT  
 15 FLUORESCENT LAMPS BUT THAT HAVE LUMEN-PER-WATT PERFORMANCE AT LEAST  
 16 EQUIVALENT TO COMPARABLY CONFIGURED COMPACT FLUORESCENT LAMPS  
 17 MEETING "ENERGY STAR PROGRAM REQUIREMENTS FOR CFLS: ENERGY EFFICIENCY  
 18 CRITERIA - VERSION 3.0;

19 (v) ~~(iv)~~ (v) red and green traffic signal modules shall:

20 1. meet the requirements of the "Energy Star Program  
 21 Requirements for Traffic Signals" developed by the U.S. Environmental Protection  
 22 Agency that took effect in February 2001; and

23 2. be installed with compatible, electrically-connected signal  
 24 control interface devices and conflict monitoring systems;

25 (vi) ~~(v)~~ (vi) illuminated exit signs shall meet the requirements of  
 26 the "Energy Star Program Requirements for Exit Signs - VERSION 2.0" developed by  
 27 the U.S. Environmental Protection Agency that took effect on January 1, 1999;

28 (vii) ~~(vi)~~ (vii) commercial refrigeration cabinets shall meet the  
 29 requirements shown in the following Table in which "V" means total volume in cubic  
 30 feet and "AV" means adjusted volume which is the sum of the volume of refrigerated  
 31 space and 1.63 times the volume of freezer space:

32 Equipment Type	Maximum Daily
33	Energy Consumption
34	(kilowatt hours)
35 Reach-in cabinets, pass-through cabinets, 36 and roll-in or roll-through cabinets that are 37 refrigerators with solid doors	0.125V + 2.76
38 Reach-in cabinets, pass-through cabinets, 39 and roll-in or roll-through cabinets that are 40 refrigerators with transparent doors	0.172V + 4.77

1 Reach-in cabinets, pass-through cabinets,  
 2 and roll-in or roll-through cabinets that are  
 3 freezers with solid doors 0.398V + 2.28

4 Reach-in cabinets, pass-through cabinets,  
 5 and roll-in or roll-through cabinets that are  
 6 freezers with transparent doors 0.940V + 5.10

7 Reach-in cabinets that  
 8 are refrigerator-freezers with solid doors 0.273AV + 1.65

9 ~~(viii)~~ ~~(VII)~~ *(viii)* large packaged air-conditioning equipment shall  
 10 meet the Tier II requirements of the "Minimum Equipment Efficiencies for Unitary  
 11 Commercial Air Conditioners" or "Minimum Equipment Efficiencies for Heat Pumps",  
 12 as appropriate, developed by the Consortium for Energy Efficiency, Boston,  
 13 Massachusetts, as in effect on January 1, 2002; and

14 ~~(ix)~~ ~~(VIII)~~ *(ix)* commercial clothes washers shall have a minimum  
 15 modified energy factor of 1.26 and a maximum water consumption factor of 9.5, as  
 16 measured in accordance with the federal test method for clothes washers as defined  
 17 in 10 C.F.R. Section 430.23(j) (Appendix J1 to Subpart B of Part 430) (2001).

18 (d) (1) (i) Except as provided in ~~subparagraphs~~ ~~SUBPARAGRAPH(ii)~~  
 19 ~~subparagraphs (ii) and (iii) and (iii)~~ of this paragraph, on or after March 1, 2005, a  
 20 new product of any type set forth in subsection (b)(1) of this section may not be sold or  
 21 offered for sale in the State unless the efficiency of the new product meets or exceeds  
 22 the efficiency standards set forth in the regulations adopted under subsection (c) of  
 23 this section.

24 ~~(ii)~~ ~~With respect to ceiling fan light kits, energy efficiency~~  
 25 ~~standards may not take effect until March 1, 2007.~~

26 *(ii) With respect to ceiling fan light kits, energy efficiency standards*  
 27 *may not take effect until March 1, 2007.*

28 ~~(iii)~~ ~~(II)~~ *(iii)* With respect to commercial clothes washers,  
 29 efficiency standards may not take effect until March 1, 2007.

30 (2) (i) This paragraph does not apply to a product that is sold before  
 31 the applicable date under paragraph (1) of this subsection.

32 (ii) Except as provided in ~~subparagraphs~~ ~~SUBPARAGRAPH(iii)~~  
 33 ~~subparagraphs (iii) and (iv) and (iv)~~ of this paragraph, on or after January 1, 2006, a  
 34 new product of a type set forth in subsection (b)(1) of this section may not be installed  
 35 in the State unless the efficiency of the new product meets or exceeds the efficiency  
 36 standards set forth in the regulations adopted under subsection (c) of this section.

37 ~~(iii)~~ ~~Ceiling fan light kits that do not meet the energy efficiency~~  
 38 ~~standards may be installed in the State until January 1, 2008.~~

1                   (iii)    *Ceiling fan light kits that do not meet the energy efficiency*  
2 *standards may be installed in the State until January 1, 2008.*

3                   (iv)    ~~(iii)~~    (iv)    Commercial clothes washers that do not meet the  
4 efficiency standards under subsection (c)(2)~~(ix)~~~~(VIII)~~ (ix) of this section may be  
5 installed in the State until January 1, 2008.

6           (e)       (1)       By regulation, the Administration may clarify but not expand the  
7 scope of the devices defined under subsection (a) of this section.

8                   (2)       On request of a Maryland business or consumer and after public  
9 notice and comment, the Administration may delay the effective date of any standard  
10 under this section by not more than 1 year if the Administration determines that  
11 products conforming to the standard will not be widely available in Maryland by the  
12 applicable date stated in subsection (d)(1) of this section.

13                   (3)       THE ADMINISTRATION MAY LIMIT A DELAY UNDER PARAGRAPH (2)  
14 OF THIS SUBSECTION TO IDENTIFIABLE SUBCATEGORIES OF ANY CATEGORY OF  
15 COVERED PRODUCTS.

16           (f)       (1)       [The] AFTER PUBLIC NOTICE AND COMMENT, THE Administration  
17 shall adopt procedures BY RULE for testing the energy efficiency of the new products  
18 listed in subsection (b)(1) of this section if testing procedures are not provided for in  
19 the Maryland Building Performance Standards.

20                   (2)       The Administration shall use appropriate nationally recognized test  
21 methods such as those approved by the United States Department of Energy.

22                   (3)       The manufacturers of new products listed in subsection (b)(1) of this  
23 section shall cause samples of their products to be tested in accordance with the test  
24 procedures adopted under this subsection or those specified in the Maryland Building  
25 Performance Standards.

26           (g)       (1)       Manufacturers of new products listed in subsection (b)(1) of this  
27 section shall certify to the Administration that the products are in compliance with  
28 the provisions of this section.

29                   (2)       (I)       The Administration shall adopt regulations governing the  
30 certification of new products and may coordinate with the certification programs of  
31 other states with similar standards.

32                   (II)       ANY MANUFACTURER THAT HAS CERTIFIED A PRODUCT TO  
33 ANOTHER STATE OR TO THE FEDERAL ENERGY STAR PROGRAM MAY PROVIDE THE  
34 ADMINISTRATION WITH A COPY OF THE CERTIFICATION THAT THE MANUFACTURER  
35 MADE TO THE OTHER STATE OR AGENCY IN PLACE OF A SEPARATE CERTIFICATION  
36 TO THE STATE OF MARYLAND, PROVIDED THAT:

37                               1.       THE OTHER STATE'S STANDARDS OR THE ENERGY STAR  
38 SPECIFICATIONS ARE EQUIVALENT TO OR MORE STRINGENT THAN THE STATE'S  
39 STANDARDS OF THE STATE OF MARYLAND; AND



1           (2)     The Attorney General may institute proceedings to enforce the  
2 provisions of this section.

3           (3)     A manufacturer, distributor, or retailer of new products listed in  
4 subsection (b)(1) of this section that violates any provision of this section shall be  
5 issued a warning by the Administration for a first violation.

6           (4)     Repeat violators shall be subject to a civil penalty of not more than  
7 \$250.

8           (5)     Each violation of this section shall constitute a separate offense and  
9 each day that a violation continues shall constitute a separate offense.

10          (6)     Penalties assessed under this subsection are in addition to costs  
11 assessed under subsection (i)(2)(i) of this section.

12          (7)     Penalties assessed under this subsection shall be paid into the  
13 General Fund of the State.

14     SECTION 2. AND BE IT FURTHER ENACTED, That the effective date for the  
15 implementation of efficiency standards for unit heaters and commercial refrigeration  
16 cabinets set forth in COMAR 14.26.03.06A shall be 90 days after the effective date of  
17 this Act.

18     SECTION 3. AND BE IT FURTHER ENACTED, That the labeling  
19 requirements set forth in COMAR 14.26.03.10 may not take effect until March 1,  
20 2006.

21     SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 June 1, 2005.