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By: **Delegate Bronrott**

Introduced and read first time: February 11, 2005

Assigned to: Environmental Matters

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A BILL ENTITLED

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

15 BY repealing and reenacting, with amendments,  
16 Article - State Government  
17 Section 9-2006  
18 Annotated Code of Maryland  
19 (2004 Replacement Volume)

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

22 **Article - State Government**

23 9-2006.

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

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

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

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

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

6 (4) "Commercial clothes washer" means a soft mount front-loading or  
7 soft mount top-loading clothes washer that is designed for use in:

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

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

12 1. 3.5 cubic feet for horizontal-axis clothes washers; or

13 2. 4.0 cubic feet for vertical-axis clothes washers.

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

19 1. reach-in cabinet;

20 2. pass-through cabinet;

21 3. roll-in cabinet; or

22 4. roll-through cabinet.

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

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

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

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

28 4. ANY REFRIGERATOR, FREEZER, OR  
29 REFRIGERATOR-FREEZER DESIGNED AND MARKETED EXCLUSIVELY FOR MEDICAL,  
30 SCIENTIFIC, OR RESEARCH PURPOSES.

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



1 11. a UPS transformer designed only as an integral part of an  
2 uninterruptible power system; or

3 12. a welding transformer designed only to provide power to  
4 welding equipment.

5 [(9)] (10) "Packaged air-conditioning equipment" means air-conditioning  
6 equipment that is built as a package and shipped as a whole to end-user sites.

7 [(10)] (11) "Pass-through cabinet" means a commercial refrigerator or  
8 commercial freezer with hinged or sliding doors on both the front and rear of the  
9 refrigerator or freezer.

10 [(11)] (12) (i) "Reach-in cabinet" means a commercial refrigerator,  
11 commercial freezer, or commercial refrigerator-freezer with hinged or sliding doors or  
12 lids.

13 (ii) "Reach-in cabinet" does not include a roll-in or roll-through  
14 cabinet or a pass-through cabinet.

15 [(12)] (13) "Roll-in cabinet" means a commercial refrigerator or  
16 commercial freezer with hinged or sliding doors that allow wheeled racks of product  
17 to be rolled into the refrigerator or freezer.

18 [(13)] (14) "Roll-through cabinet" means a commercial refrigerator or  
19 commercial freezer with hinged or sliding doors that allow wheeled racks of product  
20 to be rolled through the refrigerator or freezer.

21 [(14)] (15) "Torchiere lighting fixture" means a portable electric lighting  
22 fixture with a reflector bowl giving light directed upward so as to give indirect  
23 illumination.

24 [(15)] (16) "Traffic signal" means a device consisting of a set of signal lights  
25 operating in sequence and placed at intersections to regulate traffic.

26 [(16)] (17) "Traffic signal module" means a standard 8-inch (200mm) or  
27 12-inch (300mm) round traffic signal indication that:

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

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

32 [(17)] (18) "Transformer" means a device consisting essentially of two or  
33 more coils of insulated wire that transfers alternating current by electromagnetic  
34 induction from one coil to another in order to change the original voltage or current  
35 value.

1 [(18)] (19) (i) "Unit heater" means a self-contained fan-type heater  
2 that:

- 3 1. is designed to be installed within the heated space; and  
4 2. includes an apparatus or appliance to supply heat and a  
5 fan for circulating air over a heat exchange surface, all enclosed in a common casing.

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

8 (20) "WIDELY AVAILABLE IN MARYLAND" MEANS A CONFORMING  
9 PRODUCT AVAILABLE IN THE STATE FROM THREE OR MORE MANUFACTURERS.

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

- 13 (i) torchiere lighting fixtures;  
14 (ii) unit heaters;  
15 (iii) low-voltage dry-type distribution transformers;  
16 (iv) ceiling fans and ceiling fan light kits;  
17 (v) red and green traffic signal modules;  
18 (vi) illuminated exit signs;  
19 (vii) commercial refrigeration cabinets;  
20 (viii) large packaged air-conditioning equipment; and  
21 (ix) commercial clothes washers.

22 (2) This section does not apply to:

- 23 (i) new products manufactured in the State and sold outside the  
24 State;  
25 (ii) new products manufactured outside the State and sold at  
26 wholesale inside the State for final retail sale and installation outside the State;  
27 (iii) products installed in mobile manufactured homes at the time of  
28 construction; or  
29 (iv) products designed expressly for installation and use in  
30 recreational vehicles.

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

4 (2) The regulations shall provide for the following minimum efficiency  
 5 standards:

6 (i) torchiere fixtures may not consume more than 190 watts and  
 7 may not be capable of operating with lamps that total more than 190 watts;

8 (ii) unit heaters [may not have pilot lights] SHALL BE EQUIPPED  
 9 WITH AN INTERMITTENT IGNITION DEVICE and shall have either power venting or an  
 10 automatic flue damper;

11 (iii) the efficiency of all low-voltage dry-type distribution  
 12 transformers may not be less than the values shown in Table 4-2 of National  
 13 Electrical Manufacturers Association Standard TP-1-2002;

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

19 2. HUGGER FANS AND FANS OF LESS THAN 52 INCHES IN  
 20 DIAMETER SHALL BE EXEMPT FROM THE AIRFLOW REQUIREMENTS OF  
 21 SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH;

22 (v) red and green traffic signal modules shall:

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

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

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

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

35	Maximum Daily
36	Energy Consumption
37	(kilowatt hours)
Equipment Type	

1 Reach-in cabinets, pass-through cabinets,  
 2 and roll-in or roll-through cabinets that are  
 3 refrigerators with solid doors 0.125V + 2.76

4 Reach-in cabinets, pass-through cabinets,  
 5 and roll-in or roll-through cabinets that are  
 6 refrigerators with transparent doors 0.172V + 4.77

7 Reach-in cabinets, pass-through cabinets,  
 8 and roll-in or roll-through cabinets that are  
 9 freezers with solid doors 0.398V + 2.28

10 Reach-in cabinets, pass-through cabinets,  
 11 and roll-in or roll-through cabinets that are  
 12 freezers with transparent doors 0.940V + 5.10

13 Reach-in cabinets that  
 14 are refrigerator-freezers with solid doors 0.273AV + 1.65

15 (viii) large packaged air-conditioning equipment shall meet the Tier  
 16 II requirements of the "Minimum Equipment Efficiencies for Unitary Commercial Air  
 17 Conditioners" or "Minimum Equipment Efficiencies for Heat Pumps", as appropriate,  
 18 developed by the Consortium for Energy Efficiency, Boston, Massachusetts, as in  
 19 effect on January 1, 2002; and

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

24 (d) (1) (i) Except as provided in subparagraphs (ii) and (iii) of this  
 25 paragraph, on or after March 1, 2005, a new product of any type set forth in  
 26 subsection (b)(1) of this section may not be sold or offered for sale in the State unless  
 27 the efficiency of the new product meets or exceeds the efficiency standards set forth in  
 28 the regulations adopted under subsection (c) of this section.

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

31 (iii) With respect to commercial clothes washers, efficiency  
 32 standards may not take effect until March 1, 2007.

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

35 (ii) Except as provided in subparagraphs (iii) and (iv) of this  
 36 paragraph, on or after January 1, 2006, a new product of a type set forth in subsection

1 (b)(1) of this section may not be installed in the State unless the efficiency of the new  
2 product meets or exceeds the efficiency standards set forth in the regulations adopted  
3 under subsection (c) of this section.

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

6 (iv) Commercial clothes washers that do not meet the efficiency  
7 standards under subsection (c)(2)(ix) of this section may be installed in the State until  
8 January 1, 2008.

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

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

16 (3) THE ADMINISTRATION MAY LIMIT A DELAY UNDER PARAGRAPH (2)  
17 OF THIS SUBSECTION TO IDENTIFIABLE SUBCATEGORIES OF ANY CATEGORY OF  
18 COVERED PRODUCTS.

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

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

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

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

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

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



1                                   1.       THE OTHER STATE'S STANDARDS OR THE ENERGY STAR  
2 SPECIFICATIONS ARE EQUIVALENT TO OR MORE STRINGENT THAN THE STATE'S  
3 STANDARDS; AND

4                                   2.       ALL INFORMATION REQUIRED BY THE REGULATIONS  
5 ADOPTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS INCLUDED IN THE  
6 CERTIFICATION.

7       (h)       (1)       Manufacturers of new products listed in subsection (b)(1) of this  
8 section shall identify each product offered for sale or installation in the State as in  
9 compliance with the minimum efficiency standards established under subsection (c)  
10 of this section by means of a mark, label, or tag on the product [and] OR packaging at  
11 the time of sale or installation.

12                   (2)       (I)       The Administration shall adopt regulations governing the  
13 identification of such products [and] OR packaging which shall be coordinated to the  
14 greatest practical extent with the labeling programs and requirements of other states  
15 and federal agencies with equivalent efficiency standards.

16                   (II)       IF A NATIONAL EFFICIENCY STANDARD IS ESTABLISHED BY  
17 FEDERAL LAW OR REGULATION FOR A PRODUCT LISTED IN SUBSECTION (B) OF THIS  
18 SECTION, THE LABELING REQUIREMENTS SET FORTH IN COMAR 14.26.03.10 DO NOT  
19 APPLY TO THAT PRODUCT.

20                   (III)       IN ACCORDANCE WITH COMAR 14.26.03.10, ALL DISPLAY  
21 MODELS OF PRODUCTS SHALL BE DISPLAYED WITH A MARK, LABEL, OR TAG ON THE  
22 PRODUCT.

23       (i)       (1)       The Administration may test products listed in subsection (b)(1) of  
24 this section using an accredited testing facility.

25                   (2)       If products tested are found not to be in compliance with the  
26 minimum efficiency standards established under subsection (c) of this section, the  
27 Administration shall:

28                   (i)       charge the manufacturer of the product for the cost of product  
29 purchase and testing; and

30                   (ii)       make information available to the public on products found not  
31 to be in compliance with the standards.

32       (j)       (1)       With prior notice and at reasonable and convenient hours, the  
33 Administration may make periodic inspections of distributors or retailers of new  
34 products listed in subsection (b)(1) of this section in order to determine compliance  
35 with the provisions of this section.

36                   (2)       The Administration shall coordinate with the Department of Housing  
37 and Community Development regarding inspections, prior to occupancy, of newly  
38 constructed buildings containing new products that are also covered by the Maryland  
39 Building Performance Standards.

1 (k) (1) The Administration may investigate complaints received concerning  
2 violations of this section and shall report the results of an investigation to the  
3 Attorney General.

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

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

9 (4) Repeat violators shall be subject to a civil penalty of not more than  
10 \$250.

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

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

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

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

21 SECTION 3. AND BE IT FURTHER ENACTED, That the labeling  
22 requirements set forth in COMAR 14.26.03.10 may not take effect until March 1,  
23 2006.

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