
By: **Delegate Bronrott**

Introduced and read first time: February 11, 2005

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2005

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,
 17 Article - State Government
 18 Section 9-2006
 19 Annotated Code of Maryland
 20 (2004 Replacement Volume)

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

1 **Article - State Government**

2 9-2006.

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

4 ~~(2) "Ceiling fan" means a nonportable device that is suspended from a~~
5 ~~ceiling for the purpose of circulating air via the rotation of fan blades.~~6 ~~(3) "Ceiling fan light kit" means equipment designed to provide light~~
7 ~~from a ceiling fan, which can be:~~8 (i) integral, such that the equipment is hardwired to the ceiling
9 fan; or10 (ii) attachable, such that at the time of sale the equipment is not
11 physically attached to the ceiling fan but may be included inside the ceiling fan
12 package at the time of sale or sold separately for subsequent attachment to the fan.13 ~~(4)~~ (2) "Commercial clothes washer" means a soft mount front-loading
14 or soft mount top-loading clothes washer that is designed for use in:15 (i) applications where the occupants of more than one household
16 will be using it, including multifamily housing common areas and coin laundries; or17 (ii) other commercial applications, if the clothes container
18 compartment is not greater than:

19 1. 3.5 cubic feet for horizontal-axis clothes washers; or

20 2. 4.0 cubic feet for vertical-axis clothes washers.

21 ~~(5)~~ (3) (i) "Commercial refrigeration cabinet" means a refrigerator,
22 freezer, or refrigerator-freezer designed for use by commercial or institutional
23 facilities for the purpose of storing food products, ice, or other perishable items at
24 specified temperatures and that may be configured with either solid or transparent
25 doors as a:

26 1. reach-in cabinet;

27 2. pass-through cabinet;

28 3. roll-in cabinet; or

29 4. roll-through cabinet.

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

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

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

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

3 4. ANY REFRIGERATOR, FREEZER, OR
4 REFRIGERATOR-FREEZER DESIGNED AND MARKETED EXCLUSIVELY FOR MEDICAL,
5 SCIENTIFIC, OR RESEARCH PURPOSES.

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

8 [(6)] ~~(7)~~ (4) "Illuminated exit sign" means an internally illuminated
9 sign that is designed to be permanently fixed in place to identify an exit and the
10 background of which is not transparent.

11 [(7)] ~~(8)~~ (5) "Large packaged air-conditioning equipment" means
12 packaged air-conditioning equipment with [over] AT LEAST 20 tons ~~TO 80 TONS,~~
13 ~~INCLUSIVE, BUT NOT MORE THAN 80 TONS~~ of cooling capacity.

14 [(8)] ~~(9)~~ (6) (i) "Low-voltage dry-type distribution transformer"
15 means a distribution transformer that:

- 16 1. has an input voltage of 600 volts or less;
- 17 2. is air-cooled; and
- 18 3. does not use oil as a coolant.

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

- 21 1. an autotransformer in which the primary and secondary
22 windings are not electronically isolated and at least a portion of the secondary voltage
23 is derived from the primary winding;
- 24 2. a drive transformer designed only to provide power to
25 operate an electronic variable speed motor drive;
- 26 3. a grounding transformer designed only to provide a
27 system ground reference point;
- 28 4. a harmonic transformer designed to supply a load with a
29 higher than normal harmonic current level and that has a k-rating of k-4 or greater;
- 30 5. an impedance transformer that has a specified impedance
31 of less than 4% or greater than 8%;
- 32 6. a machine tool transformer designed only to provide power
33 to machine tool equipment;

1 7. a rectifier transformer designed to provide power only to a
2 rectifier circuit and that has a nameplate rating for both the fundamental frequency
3 power rating and the RMS power rating;

4 8. a regulating transformer with automatic tap changers;

5 9. a sealed and nonventilating transformer designed to
6 prevent airflow through the transformer;

7 10. a testing transformer designed only as part of, or to supply
8 power to, electrical test equipment;

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

11 12. a welding transformer designed only to provide power to
12 welding equipment.

13 [(9)] ~~(10)~~ (7) "Packaged air-conditioning equipment" means
14 air-conditioning equipment that is built as a package and shipped as a whole to
15 end-user sites.

16 [(10)] ~~(11)~~ (8) "Pass-through cabinet" means a commercial refrigerator
17 or commercial freezer with hinged or sliding doors on both the front and rear of the
18 refrigerator or freezer.

19 [(11)] ~~(12)~~ (9) (i) "Reach-in cabinet" means a commercial refrigerator,
20 commercial freezer, or commercial refrigerator-freezer with hinged or sliding doors or
21 lids.

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

24 (10) "RETAILER" MEANS A PERSON ENGAGED IN THE BUSINESS OF
25 MAKING RETAIL SALES WITHIN THE STATE.

26 [(12)] ~~(13)~~ (11) "Roll-in cabinet" means a commercial refrigerator or
27 commercial freezer with hinged or sliding doors that allow wheeled racks of product
28 to be rolled into the refrigerator or freezer.

29 [(13)] ~~(14)~~ (12) "Roll-through cabinet" means a commercial refrigerator
30 or commercial freezer with hinged or sliding doors that allow wheeled racks of
31 product to be rolled through the refrigerator or freezer.

32 [(14)] ~~(15)~~ (13) "Torchiere lighting fixture" means a portable electric
33 lighting fixture with a reflector bowl giving light directed upward so as to give
34 indirect illumination.

35 [(15)] ~~(16)~~ (14) "Traffic signal" means a device consisting of a set of signal
36 lights operating in sequence and placed at intersections to regulate traffic.

1 [(16)] ~~(47)~~ (15) "Traffic signal module" means a standard 8-inch (200mm)
2 or 12-inch (300mm) round traffic signal indication that:

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

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

7 [(17)] ~~(48)~~ (16) "Transformer" means a device consisting essentially of two
8 or more coils of insulated wire that transfers alternating current by electromagnetic
9 induction from one coil to another in order to change the original voltage or current
10 value.

11 [(18)] ~~(49)~~ (17) (i) "Unit heater" means a self-contained fan-type heater
12 that:

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

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

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

18 ~~(20)~~ (18) "WIDELY AVAILABLE IN MARYLAND" MEANS A CONFORMING
19 PRODUCT AVAILABLE IN THE STATE FROM THREE OR MORE MANUFACTURERS.

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

23 (i) torchiere lighting fixtures;

24 (ii) unit heaters;

25 (iii) low-voltage dry-type distribution transformers;

26 ~~(iv)~~ ~~ceiling fans and ceiling fan light kits;~~

27 ~~(v)~~ (IV) red and green traffic signal modules;

28 ~~(vi)~~ (V) illuminated exit signs;

29 ~~(vii)~~ (VI) commercial refrigeration cabinets;

30 ~~(viii)~~ (VII) large packaged air-conditioning equipment; and

31 ~~(ix)~~ (VIII) commercial clothes washers.

32 (2) This section does not apply to:

1 (i) new products manufactured in the State and sold outside the
2 State;

3 (ii) new products manufactured outside the State and sold at
4 wholesale inside the State for final retail sale and installation outside the State;

5 (iii) products installed in mobile manufactured homes at the time of
6 construction; or

7 (iv) products designed expressly for installation and use in
8 recreational vehicles.

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

12 (2) The regulations shall provide for the following minimum efficiency
13 standards:

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

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

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

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

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

30 (v) (IV) red and green traffic signal modules shall:

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

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

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

4 ~~(vi)~~ (VI) commercial refrigeration cabinets shall meet the
 5 requirements shown in the following Table in which "V" means total volume in cubic
 6 feet and "AV" means adjusted volume which is the sum of the volume of refrigerated
 7 space and 1.63 times the volume of freezer space:

8 Equipment Type	Maximum Daily
9	Energy Consumption
10	(kilowatt hours)
11 Reach-in cabinets, pass-through cabinets, 12 and roll-in or roll-through cabinets that are 13 refrigerators with solid doors	0.125V + 2.76
14 Reach-in cabinets, pass-through cabinets, 15 and roll-in or roll-through cabinets that are 16 refrigerators with transparent doors	0.172V + 4.77
17 Reach-in cabinets, pass-through cabinets, 18 and roll-in or roll-through cabinets that are 19 freezers with solid doors	0.398V + 2.28
20 Reach-in cabinets, pass-through cabinets, 21 and roll-in or roll-through cabinets that are 22 freezers with transparent doors	0.940V + 5.10
23 Reach-in cabinets that 24 are refrigerator-freezers with solid doors	0.273AV + 1.65

25 ~~(vii)~~ (VII) large packaged air-conditioning equipment shall meet the
 26 Tier II requirements of the "Minimum Equipment Efficiencies for Unitary
 27 Commercial Air Conditioners" or "Minimum Equipment Efficiencies for Heat Pumps",
 28 as appropriate, developed by the Consortium for Energy Efficiency, Boston,
 29 Massachusetts, as in effect on January 1, 2002; and

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

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

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

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

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

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

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

14 ~~(iv)~~ (III) Commercial clothes washers that do not meet the
15 efficiency standards under subsection (c)(2)~~(iv)~~(VIII) of this section may be installed in
16 the State until January 1, 2008.

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

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

24 (3) THE ADMINISTRATION MAY LIMIT A DELAY UNDER PARAGRAPH (2)
25 OF THIS SUBSECTION TO IDENTIFIABLE SUBCATEGORIES OF ANY CATEGORY OF
26 COVERED PRODUCTS.

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

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

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

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

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

7 (II) ANY MANUFACTURER THAT HAS CERTIFIED A PRODUCT TO
8 ANOTHER STATE OR TO THE FEDERAL ENERGY STAR PROGRAM MAY PROVIDE THE
9 ADMINISTRATION WITH A COPY OF THE CERTIFICATION THAT THE MANUFACTURER
10 MADE TO THE OTHER STATE OR AGENCY IN PLACE OF A SEPARATE CERTIFICATION
11 TO THE STATE OF MARYLAND, PROVIDED THAT:

12 1. THE OTHER STATE'S STANDARDS OR THE ENERGY STAR
13 SPECIFICATIONS ARE EQUIVALENT TO OR MORE STRINGENT THAN THE ~~STATE'S~~
14 STANDARDS OF THE STATE OF MARYLAND; AND

15 2. ALL INFORMATION REQUIRED BY THE REGULATIONS
16 ADOPTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS INCLUDED IN THE
17 CERTIFICATION.

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

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

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

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

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

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

1 (i) charge the manufacturer of the product for the cost of product
2 purchase and testing; and

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

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

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

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

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

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

21 (4) Repeat violators shall be subject to a civil penalty of not more than
22 \$250.

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

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

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

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

33 SECTION 3. AND BE IT FURTHER ENACTED, That the labeling
34 requirements set forth in COMAR 14.26.03.10 may not take effect until March 1,
35 2006.

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

