

**ENROLLED BILL**

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

Introduced by **Senator Pinsky**

Read and Examined by Proofreaders:

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

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Proofreader.

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

\_\_\_\_\_  
President.

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.

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

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

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

25 1. 3.5 cubic feet for horizontal-axis clothes washers; or

26 2. 4.0 cubic feet for vertical-axis clothes washers.

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

32 1. reach-in cabinet;

33 2. pass-through cabinet;

1 3. roll-in cabinet; or

2 4. roll-through cabinet.

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

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

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

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

8 4. ANY ULTRA-LOW TEMPERATURE REFRIGERATOR,  
9 FREEZER, OR REFRIGERATOR-FREEZER DESIGNED AND MARKETED EXCLUSIVELY  
10 FOR MEDICAL, SCIENTIFIC, OR RESEARCH PURPOSES.

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

13 ~~(6)~~ (7) "Illuminated exit sign" means an internally illuminated sign  
14 that is designed to be permanently fixed in place to identify an exit and the  
15 background of which is not transparent.

16 ~~(8) (4) "INSTALLER" MEANS ANY PERSON RECEIVING PAYMENT FOR~~  
17 ~~INSTALLATION.~~

18 ~~(II) "INSTALLER" DOES NOT INCLUDE ANY PERSON INSTALLING A~~  
19 ~~PRODUCT LISTED UNDER SUBSECTION (B) OF THIS SECTION IN HIS OR HER OWN~~  
20 ~~RESIDENCE OR BUSINESS.~~

21 [(7)] ~~(9)~~ ~~(8)~~ (7) "Large packaged air-conditioning equipment" means  
22 packaged air-conditioning equipment with [over] ~~20 tons OR MORE~~ AT LEAST 20  
23 TONS BUT NOT MORE THAN 80 TONS of cooling capacity.

24 [(8)] ~~(10)~~ ~~(9)-(8)~~ (i) "Low-voltage dry-type distribution transformer"  
25 means a distribution transformer that:

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

27 2. is air-cooled; and

28 3. does not use oil as a coolant.

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

31 1. an autotransformer in which the primary and secondary  
32 windings are not electronically isolated and at least a portion of the secondary voltage  
33 is derived from the primary winding;

- 1    2.        a drive transformer designed only to provide power to  
2 operate an electronic variable speed motor drive;
- 3    3.        a grounding transformer designed only to provide a  
4 system ground reference point;
- 5    4.        a harmonic transformer designed to supply a load with a  
6 higher than normal harmonic current level and that has a k-rating of k-4 or greater;
- 7    5.        an impedance transformer that has a specified impedance  
8 of less than 4% or greater than 8%;
- 9    6.        a machine tool transformer designed only to provide power  
10 to machine tool equipment;
- 11    7.        a rectifier transformer designed to provide power only to a  
12 rectifier circuit and that has a nameplate rating for both the fundamental frequency  
13 power rating and the RMS power rating;
- 14    8.        a regulating transformer with automatic tap changers;
- 15    9.        a sealed and nonventilating transformer designed to  
16 prevent airflow through the transformer;
- 17    10.       a testing transformer designed only as part of, or to supply  
18 power to, electrical test equipment;
- 19    11.       a UPS transformer designed only as an integral part of an  
20 uninterruptible power system; or
- 21    12.       a welding transformer designed only to provide power to  
22 welding equipment.

23                    [(9)]    ~~(11)~~    ~~(10)-(9)~~ "Packaged air-conditioning equipment" means  
24 air-conditioning equipment that is built as a package and shipped as a whole to  
25 end-user sites.

26                    [(10)]    ~~(12)~~    ~~(11)-(10)~~ "Pass-through cabinet" means a commercial  
27 refrigerator or commercial freezer with hinged or sliding doors on both the front and  
28 rear of the refrigerator or freezer.

29                    [(11)]    ~~(13)~~    ~~(12)~~    (11) (i) "Reach-in cabinet" means a commercial  
30 refrigerator, commercial freezer, or commercial refrigerator-freezer with hinged or  
31 sliding doors or lids.

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

34                    ~~(13)~~    (12)       "RETAILER" MEANS A PERSON ENGAGED IN THE BUSINESS OF  
35 MAKING RETAIL SALES WITHIN THE STATE.

1            [(12)]    ~~(14)~~    (13)    "Roll-in cabinet" means a commercial refrigerator or  
 2 commercial freezer with hinged or sliding doors that allow wheeled racks of product  
 3 to be rolled into the refrigerator or freezer.

4            [(13)]    ~~(15)~~    (14)    "Roll-through cabinet" means a commercial refrigerator  
 5 or commercial freezer with hinged or sliding doors that allow wheeled racks of  
 6 product to be rolled through the refrigerator or freezer.

7            [(14)]    ~~(16)~~    (15)    "Torchiere lighting fixture" means a portable electric  
 8 lighting fixture with a reflector bowl giving light directed upward so as to give  
 9 indirect illumination.

10           [(15)]    ~~(17)~~    (16)    "Traffic signal" means a device consisting of a set of  
 11 signal lights operating in sequence and placed at intersections to regulate traffic.

12           [(16)]    ~~(18)~~    (17)    "Traffic signal module" means a standard 8-inch  
 13 (200mm) or 12-inch (300mm) round traffic signal indication that:

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

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

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

22           [(18)]    ~~(20)~~    (19)    (i) "Unit heater" means a self-contained fan-type  
 23 heater that:

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

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

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

29           ~~(21)       "ULTRA LOW TEMPERATURE FREEZER" MEANS A FREEZER  
 30 DESIGNED TO MAINTAIN TEMPERATURES OF LESS THAN MINUS 40 DEGREES  
 31 FAHRENHEIT.~~

32           ~~(22)~~    ~~(21)~~    (20)    "WIDELY AVAILABLE IN MARYLAND" MEANS A  
 33 CONFORMING PRODUCT AVAILABLE IN THE STATE FROM THREE OR MORE  
 34 MANUFACTURERS.

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

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

13 (2) This section does not apply to:

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

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

25 (2) The regulations shall provide for the following minimum efficiency  
26 standards:

- 27 (i) torchiere fixtures may not consume more than 190 watts and  
28 may not be capable of operating with lamps that total more than 190 watts;
- 29 (ii) unit heaters [may not have pilot lights] **SHALL BE EQUIPPED**  
30 **WITH AN INTERMITTENT IGNITION DEVICE** and shall have either power venting or an  
31 automatic flue damper;

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

4 (iv) ~~EXCEPT CEILING FANS WITH A BLADE PITCH OF 14 DEGREES OR  
5 GREATER, ceiling fans and ceiling fan light kits, EXCEPT HUGGER FANS AND FANS OF  
6 LESS THAN 52 INCHES IN DIAMETER, shall meet the [tier 1 criteria of version 1.1 of  
7 the product specification] APPLICABLE CRITERIA contained in the "Energy Star  
8 Program Requirements for Residential Ceiling Fans", developed by the U.S.  
9 Environmental Protection Agency [that took effect on January 1, 2002];~~

10 (IV) CEILING FAN LIGHT KITS:

11 1. SHALL MEET THE TIER 1 LIGHTING CRITERIA OF VERSION  
12 1.1 OF THE PRODUCT SPECIFICATION CONTAINED IN THE "ENERGY STAR PROGRAM  
13 REQUIREMENTS FOR RESIDENTIAL CEILING FANS", DEVELOPED BY THE U.S.  
14 ENVIRONMENTAL PROTECTION AGENCY THAT TOOK EFFECT ON JANUARY 1, 2002;  
15 AND

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

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

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

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

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

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

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

37 Reach-in cabinets, pass-through cabinets, 38 and roll-in or roll-through cabinets that are 39 refrigerators with solid doors	0.125V + 2.76
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1 Reach-in cabinets, pass-through cabinets,  
 2 and roll-in or roll-through cabinets that are  
 3 refrigerators with transparent doors 0.172V + 4.77

4 Reach-in cabinets, pass-through cabinets,  
 5 and roll-in or roll-through cabinets that are  
 6 freezers with solid doors 0.398V + 2.28

7 Reach-in cabinets, pass-through cabinets,  
 8 and roll-in or roll-through cabinets that are  
 9 freezers with transparent doors 0.940V + 5.10

10 Reach-in cabinets that  
 11 are refrigerator-freezers with solid doors 0.273AV + 1.65

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

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

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

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

28 (iii) With respect to commercial clothes washers, efficiency  
 29 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 (iii) and (iv) of this  
 33 paragraph, on or after January 1, 2006, a new product of a type set forth in subsection  
 34 (b)(1) of this section may not be installed in the State unless the efficiency of the new  
 35 product meets or exceeds the efficiency standards set forth in the regulations adopted  
 36 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 (iv) Commercial clothes washers that do not meet the efficiency  
 2 standards under subsection (c)(2)(ix) of this section may be installed in the State until  
 3 January 1, 2008.

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

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

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

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

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

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

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

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

30 (II) ANY MANUFACTURER THAT HAS CERTIFIED A PRODUCT TO  
 31 ANOTHER STATE OR TO THE FEDERAL ENERGY STAR PROGRAM ~~WITH EFFICIENCY~~  
 32 ~~STANDARDS EQUIVALENT TO OR MORE STRINGENT THAN MARYLAND'S~~ MAY  
 33 PROVIDE THE ADMINISTRATION WITH A COPY OF THE CERTIFICATION THAT THE  
 34 MANUFACTURER MADE TO THE OTHER STATE OR AGENCY IN PLACE OF A SEPARATE  
 35 CERTIFICATION FOR TO THE STATE OF MARYLAND, PROVIDED THAT:

36 1. THE OTHER STATE'S STANDARDS OR THE ENERGY STAR  
 37 SPECIFICATIONS ARE EQUIVALENT TO OR MORE STRINGENT THAN THIS STATE'S  
 38 STANDARDS; 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.