
By: **Senator Pinsky**

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs and Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Government - Energy Efficiency Standards**

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 ULTRA-LOW TEMPERATURE FREEZER DESIGNED
29 AND MARKETED EXCLUSIVELY FOR MEDICAL, SCIENTIFIC, OR RESEARCH PURPOSES.

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

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

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

5 (iv) products designed expressly for installation and use in
6 recreational vehicles.

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

10 (2) The regulations shall provide for the following minimum efficiency
11 standards:

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

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

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

20 (iv) ceiling fans and ceiling fan light kits, **EXCEPT HUGGER FANS**
21 **AND FANS OF LESS THAN 52 INCHES IN DIAMETER**, shall meet the [tier 1 criteria of
22 version 1.1 of the product specification] **APPLICABLE CRITERIA** contained in the
23 "Energy Star Program Requirements for Residential Ceiling Fans", developed by the
24 U.S. Environmental Protection Agency [that took effect on January 1, 2002];

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

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

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

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

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

1 Equipment Type	Maximum Daily
2	Energy Consumption
3	(kilowatt hours)
4 Reach-in cabinets, pass-through cabinets, 5 and roll-in or roll-through cabinets that are 6 refrigerators with solid doors	0.125V + 2.76
7 Reach-in cabinets, pass-through cabinets, 8 and roll-in or roll-through cabinets that are 9 refrigerators with transparent doors	0.172V + 4.77
10 Reach-in cabinets, pass-through cabinets, 11 and roll-in or roll-through cabinets that are 12 freezers with solid doors	0.398V + 2.28
13 Reach-in cabinets, pass-through cabinets, 14 and roll-in or roll-through cabinets that are 15 freezers with transparent doors	0.940V + 5.10
16 Reach-in cabinets that 17 are refrigerator-freezers with solid doors	0.273AV + 1.65

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (II) ANY MANUFACTURER THAT HAS CERTIFIED A PRODUCT TO
38 ANOTHER STATE OR TO THE FEDERAL ENERGY STAR PROGRAM WITH EFFICIENCY
39 STANDARDS EQUIVALENT TO OR MORE STRINGENT THAN MARYLAND'S MAY

1 PROVIDE THE ADMINISTRATION WITH A COPY OF THE CERTIFICATION THE
2 MANUFACTURER MADE TO THE OTHER STATE OR AGENCY IN PLACE OF A SEPARATE
3 CERTIFICATION FOR MARYLAND.

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

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

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

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

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

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

25 (i) charge the manufacturer of the product for the cost of product
26 purchase and testing; and

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

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

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

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

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.