
By: **Senator Pinsky**
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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; 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 under certain
10 circumstances; providing for the application of certain labeling requirements;
11 requiring certain labels on certain products; setting forth the effective date for
12 the implementation of certain efficiency standards; providing for a delayed
13 effective date for certain labeling requirements; defining certain terms; altering
14 certain terms; and generally 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:

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) "Commercial clothes washer" means a soft mount front-loading or
14 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) (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 ULTRA-LOW TEMPERATURE REFRIGERATOR,
4 FREEZER, OR REFRIGERATOR-FREEZER DESIGNED AND MARKETED EXCLUSIVELY
5 FOR MEDICAL, 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) "Illuminated exit sign" means an internally illuminated sign
9 that is designed to be permanently fixed in place to identify an exit and the
10 background of which is not transparent.

11 (8) ~~(I)~~ "INSTALLER" MEANS ANY PERSON RECEIVING PAYMENT FOR
12 INSTALLATION.

13 ~~(H)~~ "INSTALLER" DOES NOT INCLUDE ANY PERSON INSTALLING A
14 ~~PRODUCT LISTED UNDER SUBSECTION (B) OF THIS SECTION IN HIS OR HER OWN~~
15 ~~RESIDENCE OR BUSINESS.~~

16 [(7)] ~~(9)~~ (8) "Large packaged air-conditioning equipment" means
17 packaged air-conditioning equipment with [over] ~~20 tons OR MORE~~ AT LEAST 20
18 TONS BUT NOT MORE THAN 80 TONS of cooling capacity.

19 [(8)] ~~(10)~~ (9) (i) "Low-voltage dry-type distribution transformer"
20 means a distribution transformer that:

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

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

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

- 1 5. an impedance transformer that has a specified impedance
2 of less than 4% or greater than 8%;
- 3 6. a machine tool transformer designed only to provide power
4 to machine tool equipment;
- 5 7. a rectifier transformer designed to provide power only to a
6 rectifier circuit and that has a nameplate rating for both the fundamental frequency
7 power rating and the RMS power rating;
- 8 8. a regulating transformer with automatic tap changers;
- 9 9. a sealed and nonventilating transformer designed to
10 prevent airflow through the transformer;
- 11 10. a testing transformer designed only as part of, or to supply
12 power to, electrical test equipment;
- 13 11. a UPS transformer designed only as an integral part of an
14 uninterruptible power system; or
- 15 12. a welding transformer designed only to provide power to
16 welding equipment.

17 [(9)] ~~(11)~~ (10) "Packaged air-conditioning equipment" means
18 air-conditioning equipment that is built as a package and shipped as a whole to
19 end-user sites.

20 [(10)] ~~(12)~~ (11) "Pass-through cabinet" means a commercial refrigerator
21 or commercial freezer with hinged or sliding doors on both the front and rear of the
22 refrigerator or freezer.

23 [(11)] ~~(13)~~ (12) (i) "Reach-in cabinet" means a commercial refrigerator,
24 commercial freezer, or commercial refrigerator-freezer with hinged or sliding doors or
25 lids.

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

28 (13) "RETAILER" MEANS A PERSON ENGAGED IN THE BUSINESS OF
29 MAKING RETAIL SALES WITHIN THE STATE.

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

33 [(13)] (15) "Roll-through cabinet" means a commercial refrigerator or
34 commercial freezer with hinged or sliding doors that allow wheeled racks of product
35 to be rolled through the refrigerator or freezer.

1 [(14)] (16) "Torchiere lighting fixture" means a portable electric lighting
 2 fixture with a reflector bowl giving light directed upward so as to give indirect
 3 illumination.

4 [(15)] (17) "Traffic signal" means a device consisting of a set of signal lights
 5 operating in sequence and placed at intersections to regulate traffic.

6 [(16)] (18) "Traffic signal module" means a standard 8-inch (200mm) or
 7 12-inch (300mm) round traffic signal indication that:

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

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

12 [(17)] (19) "Transformer" means a device consisting essentially of two or
 13 more coils of insulated wire that transfers alternating current by electromagnetic
 14 induction from one coil to another in order to change the original voltage or current
 15 value.

16 [(18)] (20) (i) "Unit heater" means a self-contained fan-type heater
 17 that:

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

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

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

23 ~~(21) "ULTRA LOW TEMPERATURE FREEZER" MEANS A FREEZER~~
 24 ~~DESIGNED TO MAINTAIN TEMPERATURES OF LESS THAN MINUS 40 DEGREES~~
 25 ~~FAHRENHEIT.~~

26 ~~(22)~~ (21) "WIDELY AVAILABLE IN MARYLAND" MEANS A CONFORMING
 27 PRODUCT AVAILABLE IN THE STATE FROM THREE OR MORE MANUFACTURERS.

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

31 (i) torchiere lighting fixtures;

32 (ii) unit heaters;

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

34 (iv) ceiling fans and ceiling fan light kits;

- 1 (v) red and green traffic signal modules;
- 2 (vi) illuminated exit signs;
- 3 (vii) commercial refrigeration cabinets;
- 4 (viii) large packaged air-conditioning equipment; and
- 5 (ix) commercial clothes washers.
- 6 (2) This section does not apply to:
- 7 (i) new products manufactured in the State and sold outside the
8 State;
- 9 (ii) new products manufactured outside the State and sold at
10 wholesale inside the State for final retail sale and installation outside the State;
- 11 (iii) products installed in mobile manufactured homes at the time of
12 construction; or
- 13 (iv) products designed expressly for installation and use in
14 recreational vehicles.
- 15 (c) (1) On or before January 1, 2004, the Administration shall adopt
16 regulations establishing minimum efficiency standards for the types of new products
17 set forth in subsection (b)(1) of this section.
- 18 (2) The regulations shall provide for the following minimum efficiency
19 standards:
- 20 (i) torchiere fixtures may not consume more than 190 watts and
21 may not be capable of operating with lamps that total more than 190 watts;
- 22 (ii) unit heaters [may not have pilot lights] SHALL BE EQUIPPED
23 WITH AN INTERMITTENT IGNITION DEVICE and shall have either power venting or an
24 automatic flue damper;
- 25 (iii) The efficiency of all low-voltage dry-type distribution
26 transformers may not be less than the values shown in Table 4-2 of National
27 Electrical Manufacturers Association Standard TP-1-2002;
- 28 (iv) EXCEPT CEILING FANS WITH A BLADE PITCH OF 14 DEGREES OR
29 GREATER, ceiling fans and ceiling fan light kits, EXCEPT HUGGER FANS AND FANS OF
30 LESS THAN 52 INCHES IN DIAMETER, shall meet the ~~tier 1~~ criteria of version 1.1 of
31 the product specification ~~APPLICABLE CRITERIA~~ contained in the "Energy Star
32 Program Requirements for Residential Ceiling Fans", developed by the U.S.
33 Environmental Protection Agency ~~{that took effect on January 1, 2002}~~;
- 34 (v) red and green traffic signal modules shall:

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

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

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

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

13 Equipment Type	Maximum Daily
14 Energy Consumption	
15 (kilowatt hours)	

16 Reach-in cabinets, pass-through cabinets, 17 and roll-in or roll-through cabinets that are 18 refrigerators with solid doors	$0.125V + 2.76$
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19 Reach-in cabinets, pass-through cabinets, 20 and roll-in or roll-through cabinets that are 21 refrigerators with transparent doors	$0.172V + 4.77$
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22 Reach-in cabinets, pass-through cabinets, 23 and roll-in or roll-through cabinets that are 24 freezers with solid doors	$0.398V + 2.28$
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25 Reach-in cabinets, pass-through cabinets, 26 and roll-in or roll-through cabinets that are 27 freezers with transparent doors	$0.940V + 5.10$
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28 Reach-in cabinets that 29 are refrigerator-freezers with solid doors	$0.273AV + 1.65$
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30 (viii) large packaged air-conditioning equipment shall meet the Tier
31 II requirements of the "Minimum Equipment Efficiencies for Unitary Commercial Air
32 Conditioners" or "Minimum Equipment Efficiencies for Heat Pumps", as appropriate,
33 developed by the Consortium for Energy Efficiency, Boston, Massachusetts, as in
34 effect on January 1, 2002; and

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

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

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

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

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

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

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

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

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

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

29 (3) THE ADMINISTRATION MAY LIMIT A DELAY UNDER PARAGRAPH (2)
30 OF THIS SUBSECTION TO IDENTIFIABLE SUBCATEGORIES OF ANY CATEGORY OF
31 COVERED PRODUCTS.

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

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

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

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

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

11 (II) ANY MANUFACTURER THAT HAS CERTIFIED A PRODUCT TO
12 ANOTHER STATE OR TO THE FEDERAL ENERGY STAR PROGRAM ~~WITH EFFICIENCY~~
13 ~~STANDARDS EQUIVALENT TO OR MORE STRINGENT THAN MARYLAND'S~~ MAY
14 PROVIDE THE ADMINISTRATION WITH A COPY OF THE CERTIFICATION THAT THE
15 MANUFACTURER MADE TO THE OTHER STATE OR AGENCY IN PLACE OF A SEPARATE
16 CERTIFICATION ~~FOR TO THE STATE OF MARYLAND, PROVIDED THAT:~~

17 1. THE OTHER STATE'S STANDARDS OR THE ENERGY STAR
18 SPECIFICATIONS ARE EQUIVALENT TO OR MORE STRINGENT THAN THIS STATE'S
19 STANDARDS; AND

20 2. ALL INFORMATION REQUIRED BY THE REGULATIONS
21 ADOPTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS INCLUDED IN THE
22 CERTIFICATION.

23 (h) (1) Manufacturers of new products listed in subsection (b)(1) of this
24 section shall identify each product offered THROUGH RETAILERS for sale or
25 installation in the State as in compliance with the minimum efficiency standards
26 established under subsection (c) of this section by means of a mark, label, or tag on
27 the product ~~and~~ OR packaging at the time of sale or installation.

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

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

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

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

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

4 (i) charge the manufacturer of the product for the cost of product
5 purchase and testing; and

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

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

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

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

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

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

24 (4) Repeat violators shall be subject to a civil penalty of not more than
25 \$250.

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

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

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

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

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

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