



**TO:** Members, Education, Health, & Environmental Affairs Committee  
**FROM:** Mary Beth Tung – Director, MEA  
**SUBJECT:** SB0418 – Maryland Energy Administration – Energy and Water Efficiency Standards – Alterations  
**DATE:** February 10, 2021

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### **MEA POSITION: FWA**

Senate Bill 418 continues Maryland’s efforts to implement appliance efficiency requirements that reduce energy use, minimize adverse environmental impacts, and ultimately save consumers money.

States are generally preempted from establishing state energy-efficiency standards for products that are covered by federal standards.<sup>1</sup> However, states are permitted to establish energy efficiency for products that are *not* covered by the Federal appliance standards program. At least 18 states have enacted appliance standards at various times.<sup>2</sup> These state standards have benefited the residents of those states while encouraging an increase in national standards. Most of today’s national standards, which cover products ranging from refrigerators to commercial air conditioners to electric motors, started out at the state level.<sup>3</sup>

The proposed legislation as amended requires MEA to adopt specific energy efficiency standards for 11 appliances, and permit MEA to adopt regulations for 2 additional technologies. The bill also requires MEA to review standards and permits MEA to update those standards through regulation.

The bill as amended requires the adoption of minimum efficiency standards for: air purifiers, commercial dishwashers, commercial steam cookers, faucets, portable electric spas, residential ventilating fans, showerheads, spray sprinkler bodies, toilets, urinals, and water coolers. These energy- and water-efficiency standards are established based on various sources, including ENERGY STAR®<sup>4</sup> and WaterSense<sup>5</sup> specifications, and standards issued by the U.S. Department of Energy.

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<sup>1</sup> <https://www.nrdc.org/experts/lauren-urbanek/states-step-progress-efficiency-standards>

<sup>2</sup> <https://database.aceee.org/state/appliance-standards-summary>

<sup>3</sup> <https://appliance-standards.org/sites/default/files/States%20Go%20First.pdf>

<sup>4</sup> Started in 1992 as part of the federal Clean Air Act, ENERGY STAR is a federal voluntary program run by the U.S. Environmental Protection Agency (EPA) to help people learn more about the many ways they can save money and help reduce environmental degradation through improved energy efficiency. Under the program the EPA identifies and promotes energy-efficient products and buildings, all with the overall goal of reducing energy consumption, improving energy security and reducing pollution.  
<https://blog.constellation.com/2016/01/15/what-is-energy-star/>

<sup>5</sup> WaterSense, a voluntary partnership program sponsored by the U.S. Environmental Protection Agency (EPA), is both a label for water-efficient products and a resource for helping to save water. The WaterSense label makes it simple to find water-efficient products, new homes, and programs that meet EPA’s criteria for efficiency and performance. WaterSense-labeled products and services are certified to use at least 20 percent less water, save energy, and perform as well as or better than regular models. <https://www.epa.gov/watersense/about-watersense>

If enacted, this bill will result in over 4,000 gigawatt hours (GWh) of electricity savings (1 GWh = 1,000.00 megawatt hours), 158 million gallons of water savings, and over 2,235 thousand metric tons of carbon dioxide savings.

Admittedly, efficiency standards have the potential to increase incremental costs. This is less than desirable in the midst of economic recovery. Therefore, MEA has gone to some lengths to limit the scope of this bill so that it minimizes any potential negative effects on business growth and investment. MEA is offering the attached amendments (*see page 3*) to further incorporate the input it has received from industry partners, while maintaining significant savings requirements.

Specifically the amendments require make a technical correction to a definition; close a loophole for “dual-flush” toilets; protect homeowners from unintentional violations of the law; correct efficiency requirements to include specific standards portable electric spas and remove noise-level requirements for ventilating fans; and remove a subsection aimed at mitigating federal rollbacks on efficiency standards that advocates no longer feel is necessary; respectively.

For these reasons, MEA urges the Committee for a **favorable report as amended**.

*MEA Recommended Amendments*

AMENDMENT NO. 1

On page 4 in line 28 strike “**or**”.

AMENDMENT NO. 2

On page 5, strike beginning with “**does**” in line 19 down through “**water**” in line 20 and substitute “**includes a water closet incorporating a feature that allows the user to flush the water closet with either a reduced or a full volume of water, also known as a dual-flush water closet**”.

On page 10 after line 36 insert

“**A. Dual-flush tank-type water closets shall have a maximum dual flush effective flush volume of 1.28 gallons per flush.**”.

AMENDMENT NO. 3

On page 6 in line 13, after “installed” insert “**for profit**”.

On page 8 in line 19, and on page 11 in line 22, in each instance, after “**installed**” insert “**for profit**”.

AMENDMENT NO. 4

On page 8 in lines 5, 9, 11, and 19, in each instance, strike “**(b)(1)(i) through (iii)**” and substitute “**(b)(1)(i) through (ii)**”.

On page 8 in line 25, and on page 11 on lines 14 and 22, in each instance, strike “**(b)(1)(iv) through (xiii)**” and substitute “**(b)(1)(iii) through (xiii)**”.

On page 10 in line 10, after “the” insert “**cubic feet per minute per watt (cfm/W) energy efficiency**”; in line 13 strike “**4.1**” and substitute “**3.2**”; and in line 36 strike “**; and**” and substitute a colon.

On page 11 in line 12 strike the period and substitute “**; and**”; and after line 12 insert

“**11. Portable electric spas shall meet the requirements of the American National Standard for Portable Electric Spa Energy Efficiency specifically known as ANSI/APSP/ICC 14-2019.**”

AMENDMENT NO. 5

On page 15, strike in their entirety the lines beginning with 11 through line 20, inclusive.