

JAN 24 2019

A BILL FOR AN ACT

RELATING TO APPLIANCE EFFICIENCY STANDARDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the high cost of
2 living in Hawaii adds to the importance of adopting policies
3 that promote and encourage energy efficiency, which can provide
4 relief for families faced with high utility bills. Without
5 state appliance efficiency standards to provide consumer
6 protection, appliance manufacturers unload their less efficient
7 appliance inventory in states like Hawaii because they cannot
8 sell them in states with heightened standards like California,
9 Connecticut, New Hampshire, Oregon, Rhode Island, and
10 Washington.

11 The legislature also finds that new appliance efficiency
12 standards have the potential to save Hawaii families and
13 businesses billions of dollars while also conserving energy and
14 water resources. According to a 2017 national study from the
15 American Council for an Energy-Efficient Economy, Hawaii has the
16 best opportunity in the nation to save money through the
17 implementation of appliance efficiency standards. The study



1 found that by adopting appliance efficiency standards, Hawaii
2 could save nearly \$1,000,000,000 in electricity costs over
3 twenty years, which is the equivalent of about \$215 annually for
4 each Hawaii household. Although many appliances, including
5 refrigerators, dishwashers, and commercial air conditioners, are
6 regulated by national appliance efficiency standards, the study
7 found that states can save billions of dollars by adopting
8 state-level appliance efficiency standards for appliances that
9 are not regulated by national standards.

10 The legislature further finds that by adopting state
11 appliance efficiency standards, the State can:

- 12 (1) Provide a boost to the local economy, which occurs
13 when consumers and businesses spend their economic
14 savings on other goods and services;
- 15 (2) Protect consumers against manufacturers who would
16 otherwise sell less efficient appliances that they
17 cannot sell in other states with heightened standards;
- 18 (3) Ensure that Hawaii residents do not miss out on
19 potential savings while progress on standards at the
20 national level is uncertain;



- 1 (4) Improve electric system reliability and potentially
- 2 reduce the need for new energy and water
- 3 infrastructures based on the resulting energy and
- 4 water savings;
- 5 (5) Lower electricity bills for residents and businesses;
- 6 and
- 7 (6) Reduce air pollutants and greenhouse gas emissions,
- 8 which can result in public health benefits and help
- 9 the State meet its clean energy and climate mitigation
- 10 targets.

11 Furthermore, the legislature finds that the cost of most

12 appliances specifically listed in this Act are equal to the cost

13 of non-compliant appliances, or available at a minimal cost

14 premium.

15 The legislature recognizes the State of California as a

16 leader in establishing state-level appliance efficiency

17 standards that protect consumers. Accordingly, the legislature

18 finds that the California appliance efficiency standards should

19 be used as a model for Hawaii's standards. For appliances that

20 are not federally regulated and do not fall under state

21 appliance efficiency standards in California, Hawaii should look



1 to other existing standards or efficiency specifications,
2 including those from Energy Star or the United States
3 Environmental Protection Agency's WaterSense program.

4 The purpose of this Act is to require the department of
5 commerce and consumer affairs to adopt state appliance
6 efficiency standards that are modeled after the standards
7 established in California.

8 SECTION 2. Chapter 196, Hawaii Revised Statutes, is
9 amended by adding a new part to be appropriately designated and
10 to read as follows:

11 **"PART . APPLIANCE EFFICIENCY STANDARDS**

12 **§196-A Definitions.** As used in this part:

13 "Compensation" means money or any other valuable thing,
14 regardless of form, received or to be received by a person for
15 services rendered.

16 "Computer" means "computer" as defined in title 20
17 California Code of Regulations section 1602(u), as in effect on
18 July 1, 2019.

19 "Computer monitor" means "computer monitor" as defined in
20 title 20 California Code of Regulations section 1602(v), as in
21 effect on July 1, 2019.



1 "Department" means the department of commerce and consumer
2 affairs.

3 "Director" means the director of commerce and consumer
4 affairs.

5 "Faucet" means "faucet" as defined in title 20 California
6 Code of Regulations section 1602(h), as in effect on July 1,
7 2019.

8 "High color rendering index fluorescent lamp" means a
9 fluorescent lamp with a color rendering index of 87 or greater
10 that is not a compact fluorescent lamp.

11 "Showerhead" means a showerhead as defined in title 20
12 California Code of Regulations section 1602(h), as in effect on
13 July 1, 2019.

14 "Spray sprinkler body" means the exterior case or shell of
15 a sprinkler incorporating a means of connection to the piping
16 system designed to convey water to a nozzle or orifice.

17 **§196-B Purpose.** The purpose of this part is to direct the
18 department to adopt minimum appliance efficiency standards for
19 certain products sold or installed in the State.



1 **§196-C Rules.** (a) By January 1, 2021, the director shall
2 adopt rules pursuant to chapter 91 to effectuate the purposes of
3 this part; provided that any rules adopted shall include:

4 (1) Minimum efficiency standards for the types of new
5 products set forth in section 196-D; provided that any
6 determination by the department in setting minimum
7 efficiency standards shall be based upon a
8 determination that:

9 (A) Increased efficiency standards would serve to
10 promote energy or water conservation in the
11 State; and

12 (B) The standard would be cost effective for
13 consumers who purchase and use those new
14 products;

15 (2) Test procedures and methods for the testing of
16 products pursuant to section 196-H;

17 (3) Product certification standards; provided that the
18 department shall coordinate with the applicable
19 product certification programs of other states and
20 federal agencies; and



1 (4) Standards for identification of products and
2 packaging; provided that standards shall be
3 coordinated to the greatest practical extent with the
4 applicable product labeling programs of other states
5 and federal agencies with equivalent efficiency
6 standards.

7 The department, in adopting rules, may establish standards
8 for products not specifically listed in section 196-D.

9 (b) No new or increased efficiency standards shall become
10 effective within one year after the adoption of any amended
11 regulations establishing increased efficiency standards.

12 **§196-D Scope.** (a) The department shall adopt the
13 appliance energy efficiency standards in title 20 California
14 Code of Regulations, as in effect on July 1, 2018, for:

- 15 (1) Computers and monitors;
- 16 (2) Faucets;
- 17 (3) High color rendering index fluorescent lamps;
- 18 (4) Showerheads; and
- 19 (5) Spray sprinkler bodies;

20 provided that the department shall not adopt any standard that
21 is preempted by federal law.

1 (b) This part shall apply to the sale, lease, or rent and
2 the offering for sale, lease, or rent of appliances and devices
3 identified in subsection (a).

4 (c) This part shall not apply to:

5 (1) New products manufactured in the State and sold
6 outside the State;

7 (2) New products manufactured outside the State and sold
8 at wholesale inside the State for final retail sale
9 and installation outside the State;

10 (3) Products installed in mobile manufactured homes at the
11 time of construction; or

12 (4) Products designed expressly for installation and use
13 in recreational vehicles.

14 (d) If any standard adopted by the department pursuant to
15 this part is subsequently preempted by federal law, all other
16 state appliance efficiency standards not preempted and that can
17 be given effect without the preempted standard shall remain in
18 effect.

19 **§196-E Appliance efficiency standards.** (a) Rules adopted
20 by the department pursuant to this section shall provide for the
21 following minimum efficiency standards:



- 1 (1) Computers and computer monitors shall meet the
2 requirements set forth in title 20 California Code of
3 Regulations section 1605.3, as in effect on July 1,
4 2019;
- 5 (2) Faucets shall meet the minimum energy efficiency
6 standards set forth in title 20 California Code of
7 Regulations section 1605.1, as in effect on July 1,
8 2019;
- 9 (3) High color rendering index fluorescent lamps shall
10 meet the minimum energy requirements set forth in
11 title 10 Code of Federal Regulations section
12 430.32(n)(4), as in effect on January 3, 2017, as
13 measured in accordance with Appendix R to subpart B of
14 title 10 Code of Federal Regulations part 430, as in
15 effect on January 3, 2017;
- 16 (4) Showerheads shall meet the minimum energy efficiency
17 standards set forth in title 20 California Code of
18 Federal Regulations section 1605.1, as in effect on
19 July 1, 2019; and
- 20 (5) Spray sprinkler bodies that are not specifically
21 excluded from the scope of the United States



1 Environmental Protection Agency's WaterSense
2 specification for spray sprinkler bodies, version 1.0,
3 shall include an integral pressure regulator and shall
4 meet the water efficiency and performance criteria and
5 other requirements of that specification, as in effect
6 on July 1, 2019; provided that when adopting standards
7 for spray sprinkler bodies, the department shall set
8 appliance efficiency standards upon a determination
9 that increased efficiency standards would serve to
10 promote energy or water conservation in the State and
11 would be cost-effective for consumers.

12 **§196-F Implementations.** (a) On or after January 1, 2021,
13 no new computer, computer monitor, faucet, high color rendering
14 index fluorescent lamp, showerhead, or spray sprinkler body
15 shall be sold, leased, or rented, or offered for sale, lease, or
16 rent in the State unless the efficiency of the new product meets
17 or exceeds the efficiency standards provided in section 196-E.

18 (b) On or after January 1, 2022, no products shall be
19 installed for compensation in the State unless the efficiency of
20 the new products meets or exceeds the efficiency standards
21 provided in section 196-E.



1 **§196-G Protection against repeal of federal regulations.**

2 (a) If any of the energy or water conservation standards issued
3 or approved for publication by the United States Department of
4 Energy as of January 19, 2017, pursuant to the Energy Policy and
5 Conservation Act, title 10 Code of Federal Regulations parts 430
6 and 431, are withdrawn, repealed, or otherwise voided, the
7 minimum energy or water efficiency level permitted for products
8 previously subject to federal energy or water conservation
9 standards shall be the previously applicable federal standards,
10 and no new product shall be sold, leased, rented, or offered for
11 sale, lease, or rent in the State unless it meets or exceeds
12 those standards.

13 (b) This part shall not apply to any federal energy or
14 water conservation standard set aside by a court upon the
15 petition of a person who will be adversely affected, as provided
16 in title 42 United States Code section 6306(b).

17 **§196-H Testing, certification, labeling, and enforcement.**

18 (a) Manufacturers of products subject to this part shall test
19 samples of their products in accordance with test procedures
20 adopted pursuant to this part.



1 (b) Manufacturers of new products covered by section 196-D
2 shall certify to the department that the products comply with
3 the provisions of this part; provided that certifications shall
4 be based on test results.

5 (c) Manufacturers of any new products subject to section
6 196-D shall identify that each product complies with this part
7 by means of a mark, label, or tag on a product and its packaging
8 at the time of sale or installation. The department shall allow
9 the use of existing marks, labels, or tags that comply with the
10 efficiency requirements of this part.

11 (d) The department may test a product covered by section
12 196-D to determine compliance. If a product is tested and found
13 not to comply with the minimum efficiency standards established
14 pursuant to this part, the department shall:

15 (1) Charge the manufacturer of the product for the cost of
16 product purchase and testing; and

17 (2) Notify the attorney general and the public that the
18 product does not comply with the standards.

19 (e) The department may inspect distributors or retailers
20 of new products covered by section 196-D to determine compliance
21 with the provisions of this part; provided that the department



1 shall give prior notice and conduct any inspection at a time
2 that is reasonable and convenient.

3 (f) The department shall investigate complaints of
4 violations of this part. The department shall report the
5 results of investigations to the attorney general, who may
6 institute proceedings to enforce the provisions of this part.
7 Any manufacturer, distributor, retailer, or person who violates
8 any provision of this part, shall be issued a warning by the
9 department for any first violation and shall be subject to a
10 civil penalty of up to \$100 for each violation. Repeat
11 violations shall be subject to a civil penalty of not more than
12 \$500 for each violation. Each violation shall constitute a
13 separate violation, and each day of continued violation shall
14 constitute a separate violation. Penalties assessed under this
15 paragraph shall be in addition to costs assessed under
16 subsection (d)."

17 SECTION 3. In codifying the new sections added by section
18 2 of this Act, the revisor of statutes shall substitute
19 appropriate section numbers for the letters used in designating
20 the new sections in this Act.



1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *Am N. N.*



S.B. NO. 1323

Report Title:

DCCA; Appliance Efficiency Standards

Description:

Requires the Department of Commerce and Consumer Affairs to adopt state appliance efficiency standards.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

