
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1615 Session of
2023

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AUGUST 10, 2023

REFERRED TO COMMITTEE ON CONSUMER PROTECTION, TECHNOLOGY AND
UTILITIES, AUGUST 10, 2023

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, in public utility code, providing for
3 minimum energy and water efficiency standards for certain
4 products sold in this Commonwealth; imposing penalties; and
5 making repeals.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Part I of Title 66 of the Pennsylvania
9 Consolidated Statutes is amended by adding a chapter to read:

10 CHAPTER 34

11 MINIMUM ENERGY AND WATER EFFICIENCY STANDARDS FOR

12 CERTAIN PRODUCTS SOLD IN THIS COMMONWEALTH

13 Sec.

14 3401. Short title of chapter.

15 3402. General purpose, legislative findings and scope of

1 chapter.

2 3403. Definitions.

3 3404. Standards.

4 3405. Implementation.

5 3406. New and revised standards and regulations.

6 3407. Testing, certification, labeling and enforcement.

7 § 3401. Short title of chapter.

8 This chapter shall be known and may be cited as the

9 Pennsylvania Energy and Water Efficiency Standards Act.

10 § 3402. General purpose, legislative findings and scope of
11 chapter.

12 (a) General purpose.--This chapter establishes minimum
13 energy and water efficiency standards for certain products sold
14 or installed in this Commonwealth.

15 (b) Legislative findings.--The General Assembly finds that:

16 (1) Efficiency standards for certain products sold or
17 installed in this Commonwealth assure consumers and
18 businesses that the products meet minimum efficiency
19 performance levels, resulting in reduced energy and water
20 waste and saving consumers and businesses money on utility
21 bills.

22 (2) Efficiency standards contribute to the economy of
23 this Commonwealth by helping to better balance supply and
24 demand for both energy and water, resulting in reduced
25 pressure that creates higher natural gas, electricity and
26 water prices. By saving consumers and businesses money on
27 utility bills, efficiency standards help the Commonwealth and
28 local economy save on utility bills that can be spent on
29 local goods and services.

30 (3) The efficiency standards save energy and thus reduce

1 pollution and other environmental impacts associated with the
2 production, distribution and use of electricity, natural gas
3 and other fuels.

4 (4) The water efficiency standards save water and thus
5 reduce the strain on the water supply. Improved water
6 efficiency can reduce or delay the need for water and sewer
7 infrastructure improvements.

8 (5) The efficiency standards can make electricity and
9 natural gas systems more reliable by reducing the strain on
10 systems during peak demand periods. Improved efficiency can
11 reduce or delay the need for new power plants, power
12 transmission lines and power distribution system upgrades as
13 well as new and expanded gas pipelines.

14 (c) Scope.--The provisions of this chapter apply to:

- 15 (1) Commercial dishwashers.
- 16 (2) Commercial fryers.
- 17 (3) Commercial hot-food holding cabinets.
- 18 (4) Commercial ovens.
- 19 (5) Commercial steam cookers.
- 20 (6) Faucets.
- 21 (7) Gas fireplaces.
- 22 (8) High CRI, cold-temperature and impact-resistant
23 fluorescent lamps.
- 24 (9) Portable electric spas.
- 25 (10) Residential ventilating fans.
- 26 (11) Showerheads.
- 27 (12) Spray sprinkler bodies.
- 28 (13) Urinals.
- 29 (14) Water closets.
- 30 (15) Water coolers.

1 (16) Any other products as may be designated by the
2 chairperson in accordance with this section or by operation
3 of law under section 3407 (relating to testing,
4 certification, labeling and enforcement).

5 (d) Limitation.--Nothing in this chapter may be construed to
6 apply to:

7 (1) New products manufactured in this Commonwealth and
8 sold outside of this Commonwealth.

9 (2) New products manufactured outside of this
10 Commonwealth and sold at wholesale inside this Commonwealth
11 for final retail sale and installation outside of this
12 Commonwealth.

13 (3) Products installed in mobile manufactured homes at
14 the time of construction.

15 (4) Products designed expressly for installation and use
16 in recreational vehicles.

17 § 3403. Definitions.

18 The following words and phrases when used in this chapter
19 shall have the meanings given to them in this section unless the
20 context clearly indicates otherwise:

21 "Chairperson." The chairperson of the commission.

22 "Cold-only units." A water cooler that emits cold water
23 only.

24 "Cold-temperature fluorescent lamp." A fluorescent lamp that
25 is not a compact fluorescent lamp that:

26 (1) is specifically designed to start at -20°F when used
27 with a ballast conforming to the requirements of ANSI C78.81
28 and ANSI C78.901; and

29 (2) is expressly designated as a cold-temperature lamp
30 both in markings on the lamp and in marketing materials,

1 including catalogs, sales literature and promotional
2 material.

3 "Commercial dishwasher." A machine designed to clean and
4 sanitize plates, pots, pans, glasses, cups, bowls, utensils and
5 trays by applying sprays of detergent solution, with or without
6 blasting media granules, and a sanitizing rinse.

7 "Commercial fryer." An appliance, including a cooking
8 vessel, in which oil is placed to such a depth that the cooking
9 food is essentially supported by displacement of the cooking
10 fluid rather than by the bottom of the vessel. Heat is delivered
11 to the cooking fluid by means of an immersed electric element or
12 band-wrapped vessel electric fryers or by heat transfer from gas
13 burners through either the walls of the fryer or through tubes
14 passing through the cooking fluid.

15 "Commercial hot-food holding cabinet." A heated, fully
16 enclosed compartment with one or more solid or transparent
17 doors, designed to maintain the temperature of hot food that has
18 been cooked using a separate appliance. The term does not
19 include heated glass merchandizing cabinets, drawer warmers or
20 cook-and-hold appliances.

21 "Commercial oven." A chamber designed for heating, roasting
22 or baking food by conduction, convection, radiation or
23 electromagnetic energy.

24 "Commercial steam cooker" or "compartment steamer." A device
25 with one or more food-steaming compartments in which the energy
26 in the steam is transferred to the food by direct contact. The
27 term may include countertop models, wall-mounted models and
28 floor models mounted on a stand, pedestal or cabinet-style base.

29 "Compensation." Money or any other source of value,
30 regardless of form, received or to be received by a person for

1 services rendered.

2 "Cook and cold units." A water cooler that emits both cold
3 and room-temperature water.

4 "Decorative gas fireplace." A vented fireplace, including an
5 appliance that is freestanding, recessed, zero clearance or a
6 gas fireplace insert, that is fueled by natural gas or propane,
7 is marked for decorative use only and is not equipped with a
8 thermostat or intended for use as a heater.

9 "Dual-flush effective flush volume." The average flush
10 volume of two reduced flushes and one full flush.

11 "Dual-flush water closet." A water closet incorporating a
12 feature that allows the user to flush the water closet with
13 either a reduced or full volume of water.

14 "EPA." The United States Environmental Protection Agency.

15 "Faucet." A private lavatory faucet, residential kitchen
16 faucet, metering faucet, public lavatory faucet or replacement
17 aerator for a private lavatory, public lavatory or residential
18 kitchen faucet.

19 "Gas fireplace." A decorative gas fireplace or heating gas
20 fireplace.

21 "Hand-held showerhead." A showerhead that can be held or
22 fixed in place for the purpose of spraying water onto a bather
23 and that is connected to a flexible hose.

24 "Heating gas fireplace." A vented fireplace, including an
25 appliance that is freestanding, recessed, zero clearance or a
26 gas fireplace insert, that is fueled by natural gas or propane
27 and which is not a decorative fireplace.

28 "High color rendering index (CRI) fluorescent lamp." A
29 fluorescent lamp with a color rendering index of 87 or greater
30 that is not a compact fluorescent lamp.

1 "Hot and cold units." A water cooler that emits both hot and
2 cold water. The term includes a cooler that emits room-
3 temperature water.

4 "Impact-resistant fluorescent lamp." A fluorescent lamp that
5 is not a compact fluorescent lamp that:

6 (1) has a coating or equivalent technology that is
7 compliant with NSF/ANSI 51 and is designed to contain the
8 glass if the glass envelope of the lamp is broken; and

9 (2) is designated and marketed for the intended
10 application with:

11 (i) the designation on the lamp packaging; and

12 (ii) marketing materials that identify the lamp as
13 being impact resistant, shatter resistant, shatter proof
14 or shatter protected.

15 "Metering faucet." A self-closing faucet that dispenses a
16 specific volume of water for each actuation cycle. For the
17 purpose of this definition, the volume or cycle duration can be
18 fixed or adjustable.

19 "Plumbing fixture." An exchangeable device that connects to
20 a plumbing system to deliver and drain away water and waste.

21 "Portable electric spa." A factory-built electric spa or hot
22 tub that is supplied with equipment for heating and circulating
23 water at the time of sale or sold separately for subsequent
24 attachment.

25 "Pressure regulator." A device that maintains constant
26 operating pressure immediately downstream from the device, given
27 higher pressure upstream.

28 "Public lavatory faucet." A fitting intended to be installed
29 in nonresidential bathrooms that are exposed to walk-in traffic.

30 "Replacement aerator." An aerator sold as a replacement,

1 separate from the faucet to which it is intended to be attached.

2 "Residential ventilating fan." A ceiling-mounted or wall-
3 mounted fan or remotely mounted in-line fan designed to be used
4 in a bathroom or utility room, whose purpose is to move air from
5 inside the building to the outdoors.

6 "Showerhead." A component or set of components distributed
7 in commerce for attachment to a single supply fitting for
8 spraying water onto a bather, typically from an overhead
9 position. The term does not include a safety showerhead.

10 "Spray sprinkler body." The exterior case or shell of a
11 sprinkler incorporating a means of connection to the piping
12 system designed to convey water to a nozzle or orifice.

13 "Storage type." The storage of thermally conditioned water
14 in a reservoir in the water cooler that is available
15 instantaneously. The term includes point-of-use, dry storage
16 compartment and bottled water coolers.

17 "Trough-type urinal." A urinal designed for simultaneous use
18 by two or more individuals.

19 "Urinal." A plumbing fixture that receives only liquid body
20 waste and conveys the waste through a trap into a drainage
21 system.

22 "Water closet." A plumbing fixture having a water-containing
23 receptor that receives liquid and solid body waste through an
24 exposed integral trap into a drainage system.

25 "Water cooler." A freestanding device that consumes energy
26 to cool or heat potable water.

27 § 3404. Standards.

28 (a) Regulations.--Not later than one year after the
29 effective date of this subsection, the chairperson, in
30 consultation with the Secretary of Environmental Protection,

1 shall promulgate regulations, in accordance with the provisions
2 of section 502 of the act of June 28, 1995 (P.L.89, No.18),
3 known as the Conservation and Natural Resources Act,
4 establishing minimum efficiency standards for the types of new
5 products set forth in section 3402 (relating to general purpose,
6 legislative findings and scope of chapter).

7 (b) Minimum standards.--The regulations shall provide for
8 the following minimum efficiency standards:

9 (1) Commercial dishwashers included in the scope of
10 version 2.0 of the EPA's "Energy Star Program Requirements
11 Product Specification for Commercial Dishwashers" shall meet
12 the qualification criteria of that specification.

13 (2) Commercial fryers included in the scope of version
14 2.0 of the EPA's "Energy Star Program Requirements Product
15 Specification for Commercial Fryers" shall meet the
16 qualification criteria of that specification.

17 (3) Commercial hot-food holding cabinets shall meet the
18 qualification criteria of version 2.0 of the EPA's "Energy
19 Star Program Requirements Product Specification for
20 Commercial Hot Food Holding Cabinets."

21 (4) Commercial ovens included in the scope of version
22 2.2 of the EPA's "Energy Star Program Requirements Product
23 Specification for Commercial Ovens" shall meet the
24 qualification criteria of that specification.

25 (5) Commercial steam cookers shall meet the requirements
26 of version 1.2 of the EPA's "Energy Star Program Requirements
27 Product Specification for Commercial Steam Cookers."

28 (6) Faucets, except for metering faucets, shall meet the
29 following standards when tested in accordance with 10 CFR Pt.
30 430 Appendix S to Subpt. B (relating to uniform test method

1 for measuring the water consumption of faucets and
2 showerheads):

3 (i) Private lavatory faucets and replacement
4 aerators may not exceed a maximum flow rate of 1.5
5 gallons per minute (gpm) at 60 pounds per square inch
6 (psi).

7 (ii) Residential kitchen faucets and replacement
8 aerators may not exceed a maximum flow rate of 1.8 gpm at
9 60 psi, with optional temporary flow of 2.2 gpm, provided
10 they default to a maximum flow rate of 1.8 gpm at 60 psi
11 after each use.

12 (iii) Public lavatory faucets and replacement
13 aerators may not exceed a maximum flow rate of 0.5 gpm at
14 60 psi.

15 (7) Gas fireplaces shall comply with the following
16 requirements:

17 (i) Gas fireplaces shall be capable of automatically
18 extinguishing a pilot flame when the main gas burner
19 flame is extinguished.

20 (ii) Gas fireplaces shall prevent an ignition source
21 for the main gas burner flame from operating continuously
22 for more than seven days from last use of the main gas
23 burner.

24 (iii) Heating gas fireplaces shall have a fireplace
25 efficiency equal to or greater than 50% when tested in
26 accordance with CSA P.4.1:15, "Testing Method For
27 Measuring Fireplace Efficiency," as amended or revised.

28 (8) High CRI, cold-temperature and impact-resistant
29 fluorescent lamps shall meet the minimum efficiency
30 requirements contained in 10 CFR 430.32(n)(4) (relating to

1 energy and water conservation standards and their compliance
2 dates) in effect on January 1, 2023, as measured in
3 accordance with 10 CFR Pt. 430 Appendix R to Subpt. B
4 (relating to uniform test method for measuring electrical and
5 photometric characteristics of general service fluorescent
6 lamps, incandescent reflector lamps, and general service
7 incandescent lamps) in effect on January 1, 2023.

8 (9) Portable electric spas shall meet the requirements
9 contained in ANSI/APSP/ICC-14-2019, the American National
10 Standard for Portable Electric Spa Energy Efficiency.

11 (10) In-line residential ventilating fans shall have a
12 fan motor efficacy of no less than 2.8 cubic feet per minute
13 per watt. All other residential ventilating fans shall have a
14 fan motor efficacy of no less than 1.4 cubic feet per minute
15 per watt for airflows less than 90 cubic feet per minute and
16 no less than 2.8 cubic feet per minute per watt for other
17 airflows when tested in accordance with Home Ventilation
18 Institute Publication 916 "HVI Airflow Test Procedure."

19 (11) Showerheads may not exceed a maximum flow rate of
20 1.8 gpm at 80 psi when tested in accordance with 10 CFR Pt.
21 430 Appendix S to Subpt. B in effect on January 1, 2023.

22 (12) Spray sprinkler bodies that are not specifically
23 excluded from the scope of version 1.0 of the EPA's
24 "WaterSense Specification for Spray Sprinkler Bodies," shall
25 include an integral pressure regulator and shall meet the
26 water efficiency and performance criteria and other
27 requirements of that specification.

28 (13) Water closets shall pass the waste extraction test
29 for water closets under section 7.9 of the American Society
30 of Mechanical Engineers (ASME) contained in A112.19.2/CSA

1 B45.1 of 2018. Urinals and water closets, other than those
2 designed and marketed exclusively for use at prisons or
3 mental health facilities, shall meet the following standards
4 when tested in accordance with 10 CFR Pt. 430 Appendix T to
5 Subpt. B (relating to uniform test method for measuring the
6 water consumption of water closets and urinals):

7 (i) Wall-mounted urinals, except for trough-type
8 urinals, shall have a maximum flush volume of 0.5 gallons
9 per flush.

10 (ii) Floor-mounted urinals, except for trough-type
11 urinals, shall have a maximum flush volume of 0.5 gallons
12 per flush.

13 (iii) Water closets, except for dual-flush tank-type
14 water closets, shall have a maximum flush volume of 1.28
15 gallons per flush.

16 (iv) Dual-flush tank-type water closets shall have a
17 maximum dual-flush effective flush volume of 1.28 gallons
18 per flush.

19 (14) Water coolers included in the scope of the EPA's
20 version 2.0 "Energy Star Program Requirements Product
21 Specification for Water Coolers" shall have an on mode with
22 no water draw and energy consumption less than or equal to
23 the following values as measured in accordance with the test
24 requirements of that program:

25 (i) 0.16 kilowatt-hours per day for cold-only units
26 and cook and cold units;

27 (ii) 0.87 kilowatt-hours per day for storage type
28 hot and cold units; and

29 (iii) 0.18 kilowatt-hours per day for on demand hot
30 and cold units.

1 § 3405. Implementation.

2 (a) Requirement of efficiency.--Except as provided in
3 subsection (b), on or after July 1, 2025, no new device listed
4 under section 3402(c) (relating to general purpose, legislative
5 findings and scope of chapter) may be sold or offered for sale,
6 lease or rent in this Commonwealth unless the efficiency of the
7 new product meets or exceeds the efficiency standards provided
8 in section 3404 (relating to standards).

9 (b) Restriction on installation.--One year after the date on
10 which the sale or offering for sale of certain products becomes
11 subject to the requirements of subsection (a), no products may
12 be installed for compensation in this Commonwealth unless the
13 efficiency of the new product meets or exceeds the efficiency
14 standards provided in section 3404.

15 § 3406. New and revised standards and regulations.

16 The commission shall prescribe rules and regulations as it
17 deems necessary to administer and enforce this chapter and to
18 establish increased efficiency standards for the products listed
19 or incorporated in section 3402 (relating to general purpose,
20 legislative findings and scope of chapter). The chairperson may
21 also establish standards for products not specifically listed in
22 section 3402. In considering the new or amended standards, the
23 chairperson, in consultation with the Secretary of Environmental
24 Protection, shall set efficiency standards on a determination
25 that increased efficiency standards would serve to promote
26 energy or water conservation in this Commonwealth and would be
27 cost effective for consumers who purchase and use the new
28 products, provided that no new or increased efficiency standards
29 shall become effective within one year following the adoption of
30 any amended regulations establishing increased efficiency

1 standards.

2 § 3407. Testing, certification, labeling and enforcement.

3 (a) Product testing.--The manufacturer of products covered
4 by this chapter shall test samples of their products in
5 accordance with the test procedures adopted under this chapter.
6 The chairperson may adopt updated test methods when new versions
7 of test procedures become available.

8 (b) Compliance.--Manufacturers of new products covered by
9 section 3402 (relating to general purpose, legislative findings
10 and scope of chapter) shall certify to the chairperson, or to an
11 approved third party as determined by the chairperson, that the
12 products are in compliance with the provisions of this chapter.
13 The certifications shall be based on test results under
14 subsection (a). The commission shall promulgate regulations
15 governing the certification of the products and shall coordinate
16 with the certification programs of other Federal and state
17 agencies with similar standards.

18 (c) Compliance mark, label or tag on product.--Manufacturers
19 of new products covered under section 3402 shall identify each
20 product offered for sale or installation in this Commonwealth as
21 in compliance with the provisions of this chapter by means of a
22 mark, label or tag on the product or packaging at the time of
23 sale or installation. The commission shall promulgate
24 regulations governing the identification of the products or
25 packaging, which shall be coordinated to the greatest practical
26 extent with the labeling programs of other Federal and state
27 agencies with equivalent efficiency standards. The chairperson
28 shall allow the use of existing marks, labels or tags, which
29 connote compliance with the efficiency requirements of this
30 chapter.

1 (d) Chairperson testing permitted.--The chairperson may test
2 products covered by section 3402. If tested products are found
3 not to be in compliance with the minimum efficiency standards
4 established under section 3404 (relating to standards), the
5 chairperson shall:

6 (1) charge the manufacturer of the product for the cost
7 of product purchase and testing; and

8 (2) make information available to the Attorney General
9 and the public on products found not to be in compliance with
10 the standards.

11 (e) Periodic inspections.--The chairperson may cause
12 periodic inspections to be made of distributors or retailers of
13 new products covered under section 3402 in order to determine
14 compliance with the provisions of this chapter.

15 (f) Complaint process.--The chairperson shall investigate
16 complaints received concerning violations of this chapter and
17 shall report the results of the investigations to the Attorney
18 General. The Attorney General may institute proceedings to
19 enforce the provisions of this chapter. A manufacturer,
20 distributor or retailer, or a person who installs a product
21 covered by this chapter for compensation, who violates any
22 provision of this chapter shall be issued a warning by the
23 chairperson for any first violation. A manufacturer, distributor
24 or retailer or a person who violates the provisions of this
25 chapter after the issuance of a warning by the chairperson for a
26 first violation shall be subject to a civil penalty of up to
27 \$100 for each offense. Repeat violations shall be subject to a
28 civil penalty of not more than \$500 for each offense. Each
29 violation shall constitute a separate offense and each day the
30 violation continues shall constitute a separate offense.

1 Penalties assessed under this subsection are in addition to
2 costs assessed under subsection (d).

3 Section 2. All regulations and parts of regulations are
4 abrogated to the extent of any inconsistency with the provisions
5 of this act.

6 Section 3. All acts and parts of acts are repealed insofar
7 as they are inconsistent with the provisions of this act.

8 Section 4. This act shall take effect in 60 days.