

# ASSEMBLY, No. 5160

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED DECEMBER 16, 2020

**Sponsored by:**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Assemblyman ANDREW ZWICKER**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Co-Sponsored by:**

**Assemblywoman Timberlake, Assemblyman Benson, Assemblywoman Reynolds-Jackson, Assemblyman Mukherji, Assemblywomen Swain, Quijano and Assemblyman Verrelli**

**SYNOPSIS**

Establishes minimum energy and water efficiency standards for certain products sold, offered for sale, or leased in the State.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/22/2021)**

1 AN ACT establishing minimum energy and water efficiency  
2 standards for certain products sold, offered for sale, or leased, in  
3 the State and supplementing Title 48 of the Revised Statutes.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. The Legislation finds and declares that:

9 (a) Energy efficiency standards for certain products sold or  
10 installed in the state assure consumers and businesses that such  
11 products meet minimum efficiency performance levels, thereby  
12 reducing energy and water waste and saving consumers and  
13 businesses money on their utility bills;

14 (b) Energy efficiency standards save energy and therefore  
15 reduce climate-changing emissions and other environmental  
16 impacts associated with the production, distribution, and use of  
17 electricity, natural gas, and other fuels;

18 (c) Energy efficiency standards save water, mitigate the effects  
19 of short- and long-term droughts, and help to conserve fresh water  
20 supplies;

21 (d) Energy efficiency standards produce savings resulting from  
22 more efficient products that benefit all consumers but are especially  
23 important to low-income families which spend a disproportionate  
24 share of their income on utilities. Such standards also help the State  
25 and local economy since savings can be instead spent on local  
26 goods and services; and

27 (e) Energy and water savings help reduce or delay the need for  
28 expensive investments in new power plants, transmission lines,  
29 distribution system upgrades, new and expanded gas pipelines, and  
30 water and sewer infrastructure improvements.

31 2. As used in this act:

32 “Air purifier” means an electric, cord-connected, portable  
33 appliance with the primary function of removing particulate matter  
34 from the air and which can be moved from room to room.

35 “Cold temperature fluorescent lamp” means a fluorescent bulb or  
36 lamp that is not a compact fluorescent lamp and which:

37 (a) is designed to start at -20°F when used with a ballast  
38 conforming to the requirements of the American National Standard  
39 ANSI C78.81 and ANSI C78.901; and

40 (b) is designated as a cold temperature lamp both in markings on  
41 the lamp and in marketing materials, including catalogs, sales  
42 literature, and promotional material.

43 “Commercial dishwasher” means a machine designed to clean  
44 and sanitize plates, pots, pans, glasses, cups, bowls, utensils, and  
45 trays by applying sprays of detergent solution and a sanitizing rinse.

46 “Commercial fryer” means an appliance in which oil is placed to  
47 such a depth that the cooking food is supported by displacement of

1 the cooking fluid rather than by the bottom of the vessel, and in  
2 which heat is delivered to the cooking fluid by means of an  
3 immersed electric element or by heat transfer from gas burners.

4 “Commercial hot-food holding cabinet” means a heated, fully  
5 enclosed compartment with one or more solid or transparent doors  
6 designed to maintain the temperature of cooked food.

7 “Commercial hot-food holding cabinet” shall not include heated  
8 glass merchandizing cabinets, drawer warmers, or cook-and-hold  
9 appliances.

10 “Commercial oven” means a chamber designed for heating,  
11 roasting, or baking food by conduction, convection, radiation, or  
12 electromagnetic energy.

13 “Commercial steam cooker,” means a device also known as a  
14 “compartment steamer,” with one or more food-steaming  
15 compartments in which the energy in the steam is transferred to the  
16 food by direct contact.

17 “Commissioner” means the Commissioner of Community  
18 Affairs.

19 “Computer” means a computer as defined in California Code of  
20 Regulations, Title 20, Section 1602(v).

21 “Computer monitor” means a computer monitor as defined in  
22 California Code of Regulations, Title 20, Section 1602(v).

23 “Dual-flush effective flush volume” means the average flush  
24 volume of two reduced flushes and one full flush.

25 “Dual-flush tank-type toilet” means a toilet that allows the user  
26 to flush the toilet with either a reduced or a full volume of water.

27 “Electric vehicle service equipment” means the same as the term  
28 is defined in section 2 of P.L.2019, c.362 (C.48:25-2).

29 “Faucet” means a private lavatory faucet, residential kitchen  
30 faucet, metering faucet, public lavatory faucet, or replacement  
31 aerator for a private lavatory, public lavatory or residential kitchen  
32 faucet.

33 “General service lamp” means a light bulb, including a general  
34 service incandescent lamp, compact fluorescent lamp, general  
35 service light-emitting diode lamp, organic light-emitting diode  
36 lamp, and any other lamps or bulbs that are used to satisfy lighting  
37 applications traditionally served by general service incandescent  
38 lamps.

39 “State-regulated general service lamp” means any of the  
40 following medium-based incandescent light bulbs:

- 41 (1) Shatter-resistant lamps.
- 42 (2) 3-way lamps.
- 43 (3) Reflector lamps that are:
  - 44 (a) ER30, BR30, BR40, or ER40 lamps rated at 50 Watts or  
45 less;
  - 46 (b) BR30, BR40, or ER40 lamps rated at 65 watts; or
  - 47 (c) R20 lamps rated at 45 watts or less.

1 (4) B, BA, CA, F and G shape lamps as defined in ANSI  
2 C79.1:2002 with a lumen output of greater than or equal to 200 and  
3 rated at 40 watts or less.

4 (5) A and C shape lamps as defined in ANSI C79.1:2002 with  
5 lumen output greater than or equal to 200 and less than 310.

6 “Hand-held showerhead” means a showerhead that can be held  
7 or fixed in place for the purpose of spraying water onto a bather and  
8 that is connected to a flexible hose.

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

12 “Impact-resistant fluorescent lamp” means a fluorescent lamp or  
13 bulb that is not a compact fluorescent lamp and which:

14 (a) has a coating or equivalent technology that is compliant with  
15 ANSI 51 and is designed to contain the glass if the glass envelope  
16 of the lamp is broken; and

17 (b) is designated and marketed as being impact-resistant, shatter-  
18 resistant, shatter-proof, or shatter-protected;

19 “Industrial air purifier” means an indoor air cleaning device  
20 manufactured, advertised, marketed, labeled, and used solely for  
21 industrial use that are marketed solely through industrial supply  
22 outlets or businesses and prominently labeled as “Solely for  
23 industrial use. Potential health hazard: emits ozone;”

24 “Lamp efficacy” or “luminous efficacy” means the measure of  
25 how well a light source produces visible light, and which is the ratio  
26 of luminous flux to power, measured in lumens per watt.

27 “Metering faucet” means a fitting that, when turned on, will  
28 gradually shut itself off over a period of several seconds.

29 “On demand water cooler” means the water cooler heats water as  
30 it is requested, which typically takes a few minutes to deliver water.

31 “Portable electric spa” means a factory-built electric spa or hot  
32 tub which may include any combination of integral controls, water  
33 heating, or water circulating equipment.

34 “Pressure regulator” means a device that maintains constant  
35 operating pressure immediately downstream from the device, given  
36 higher pressure upstream.

37 “Public lavatory faucet” means a fitting designed to be installed  
38 in nonresidential lavatories that are exposed to walk-in traffic.

39 “Replacement aerator” means an aerator sold as a replacement,  
40 separate from the faucet to which it is intended to be attached.

41 “Residential ventilating fan” means a ceiling, wall-mounted, or  
42 remotely mounted in-line fan designed to be used in a lavatory or  
43 utility room, whose purpose is to move air from inside the building  
44 to the outdoors.

45 “Showerhead” means a device through which water is discharged  
46 for a shower bath and includes a hand-held showerhead but does not  
47 include a safety shower showerhead.

1       “Spray sprinkler body” means the exterior case or shell of a  
2       sprinkler incorporating a means of connection to the piping system  
3       designed to convey water to a nozzle or orifice.

4       “Trough-type urinal” means a urinal designed for simultaneous  
5       use by two or more persons.

6       “Urinal” means a plumbing fixture that receives only liquid body  
7       waste and conveys the waste through a trap into a drainage system.

8       “Water cooler” means a freestanding device that consumes  
9       energy to cool or heat potable water.

10

11       2. a. No person shall sell, offer for sale, or lease a new air  
12       purifier, cold temperature fluorescent lamp, commercial  
13       dishwasher, commercial fryer, commercial hot-food holding  
14       cabinet, commercial oven, commercial steam cooker, computer,  
15       computer monitor, electrical vehicle service equipment, high color  
16       rendering index fluorescent lamp, impact-resistant fluorescent lamp,  
17       faucet, showerhead, toilet, urinal, portable electric spa, residential  
18       ventilating fan, state-regulated general service lamp; spray sprinkler  
19       body, urinal, or water cooler in the State unless the new product  
20       meets or exceeds the efficiency standards adopted in rules and  
21       regulations pursuant to section 3 of this act.

22       b. No later than one year after the date of enactment of this  
23       act, no product subject to the requirements of subsection a. or b. of  
24       this section may be installed for compensation in the State unless  
25       the efficiency of the new product meets or exceeds the efficiency  
26       standards adopted in rules and regulations pursuant to section 3 of  
27       this act.

28

29       3. a. No later than one year after the date of enactment of this  
30       act, the commissioner, pursuant to the "Administrative Procedure  
31       Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and  
32       regulations to establish energy efficiency standards to implement  
33       the provisions of this act.

34       b. The rules and regulations shall provide for the minimum  
35       efficiency standards for the following products:

36       (1) Air purifiers, except industrial air purifiers, shall meet the  
37       following requirements as measured in accordance with the  
38       ENERGY STAR Program Requirements Product Specification for  
39       Room Air Cleaners, Version 2.0:

40       (a) Clean air delivery rate for smoke shall be 30 or greater;

41       (b) For models with a clean air delivery rate for smoke less than  
42       100, clean air delivery rate per Watt for smoke shall be greater than  
43       or equal to 1.7;

44       (c) For models with a clean air delivery rate for smoke greater  
45       than or equal to 100 and less than 150, clean air delivery rate per  
46       Watt for smoke shall be greater than or equal to 1.9;

- 1 (d) For models with a clean air delivery rate for smoke greater  
2 than or equal to 150, clean air delivery rate per Watt for smoke shall  
3 be greater than or equal to 2.0;
- 4 (e) For ozone-emitting models, measured ozone shall be less  
5 than or equal to 50 parts per billion (ppb);
- 6 (f) For models with a Wi-Fi network connection enabled by  
7 default when shipped, partial on mode power shall not exceed 2  
8 watts; and
- 9 (g) For models without a Wi-Fi network connection enabled by  
10 default when shipped, partial on mode power shall not exceed 1  
11 watt.
- 12 (2) A commercial dishwasher shall meet the product  
13 specifications of the "Energy Star Program Requirements for  
14 Commercial dishwashers Version 2.0" developed by the United  
15 States Environmental Protection Agency.
- 16 (3) A commercial fryer shall meet the product specifications of  
17 the "Energy Star Program Requirements for Commercial Fryers  
18 Version 2.0" developed by the United States Environmental  
19 Protection Agency;
- 20 (4) A commercial hot-food holding cabinet shall meet the  
21 product specifications of the "Energy Star Program Requirements  
22 for Commercial Hot Food Holding Cabinets Version 2.0" developed  
23 by the United States Environmental Protection Agency;
- 24 (5) A commercial oven shall meet the product specifications of  
25 the "Energy Star Program Requirements for Commercial Oven  
26 Version 2.2" developed by the United States Environmental  
27 Protection Agency;
- 28 (6) A commercial steam cooker shall meet the product  
29 specifications of the "Energy Star Program Requirements for  
30 Commercial Steam Cookers, Version 1.2" developed by the United  
31 States Environmental Protection Agency;
- 32 (7) A computer or computer monitor shall meet the  
33 requirements of the California Code of Regulations, Title 20,  
34 Section 1605.3(v) and compliance with those requirements shall be  
35 measured in accordance with test methods prescribed in the  
36 California Code of Regulations, Title 20, Section 1604(v);
- 37 (8) Electric vehicle service equipment shall meet the product  
38 specifications of the "Energy Star Program Requirements Product  
39 Specification for Electric Vehicle Supply Equipment, Version 1.0"  
40 developed by the United States Environmental Protection Agency;
- 41 (9) A faucet, except for a metering faucet, shall meet the  
42 standards in this paragraph when tested in accordance with  
43 Appendix S to Subpart B of Part 430 of Title 10, Code of Federal  
44 Regulations and compliance with those requirements shall be in  
45 accordance with the "Uniform Test Method for Measuring the  
46 Water Consumption of Faucets and Showerheads";

- 1 (a) A lavatory faucet or a replacement aerator for a lavatory  
2 faucet shall not exceed a maximum flow rate of 1.5 gallons per  
3 minute at 60 pounds per square inch;
- 4 (b) A residential kitchen faucet or replacement aerator for a  
5 residential kitchen faucet shall not exceed a maximum flow rate of  
6 1.8 gallons per minute at 60 pounds per square inch, with an  
7 optional temporary flow rate of 2.2 gallons per minute, provided the  
8 faucet or replacement aerator defaults to a maximum flow rate of  
9 1.8 gallons per minute at 60 pounds per square inch after each use;  
10 and
- 11 (c) A public lavatory faucet or a replacement aerator for a  
12 public lavatory faucet shall not exceed a maximum flow rate of 0.5  
13 gallons per minute at 60 pounds per square inch;
- 14 (10) A state-regulated general service lamp shall meet a lamp  
15 efficacy of 45 lumens per watt, when tested in accordance with the  
16 applicable federal test procedures for general service lamps,  
17 prescribed in Section 430.23(gg) of Title 10, Code of Federal  
18 Regulations;
- 19 (11) A High color rendering index, cold temperature, or impact-  
20 resistant fluorescent lamp shall meet the minimum efficacy  
21 requirements contained in Section 430.32(n)(4) of Title 10, Code of  
22 Federal Regulations, as measured in accordance with the "Uniform  
23 Test Method for Measuring Average Lamp Efficacy (LE), Color  
24 Rendering Index (CRI), and Correlated Color Temperature (CCT)  
25 of Electric Lamps" in Appendix R to Subpart B of Part 430 of Title  
26 10, Code of Federal Regulations;
- 27 (12) A portable electric spa shall meet the requirements of the  
28 "American National Standard for Portable Electric Spa Energy  
29 Efficiency 14-2019";
- 30 (13) An in-line residential ventilating fan shall have a fan motor  
31 efficacy of no less than 2.8 cubic feet per minute per watt. All other  
32 residential ventilating fans shall have a fan motor efficacy of no less  
33 than 1.4 cubic feet per minute per watt for airflows less than 90  
34 cubic feet per minute and no less than 2.8 cubic feet per minute per  
35 watt for other airflows when tested in accordance with Home  
36 Ventilation Institute Publication 916 "HVI Airflow Test Procedure"
- 37 (14) A showerhead shall not exceed a maximum flow rate of  
38 2.0 gallons per minute at 80 pounds per square inch when tested in  
39 accordance with Appendix S to Subpart B of Part 430 of Title 10,  
40 Code of Federal Regulations and compliance with those  
41 requirements shall be the "Uniform Test Method for Measuring the  
42 Water Consumption of Faucets and Showerheads;"
- 43 (15) A spray sprinkler body that is not specifically excluded  
44 from the scope of the United States Environmental Protection  
45 Agency's WaterSense program "Specification for Spray Sprinkler  
46 Bodies, Version 1.0," shall include an integral pressure regulator  
47 and shall meet the water efficiency and performance criteria and

1 other requirements of the "Specification for Spray Sprinkler Bodies,  
2 Version 1.0".

3 (16) A urinal or toilet, other than those designed and marketed  
4 exclusively for use at prisons or mental health facilities, shall meet  
5 the standards in subparagraphs (a) through (d) when tested in  
6 accordance with Appendix T to Subpart B of Part 430 of Title 10 ,  
7 Code of Federal Regulations "Uniform Test Method for Measuring  
8 the Water Consumption of Water Closets and Urinals." A toilet  
9 shall be required to pass the waste extraction test for toilets in the  
10 American Society of Mechanical Engineers standard A112.19.2,  
11 Section 7.9;

12 (a) A wall-mounted urinal, except for a trough-type urinal, shall  
13 have a maximum flush volume of 0.5 gallons per flush;

14 (b) A floor-mounted urinal, except for a trough-type urinal, shall  
15 have a maximum flush volume of 0.5 gallons per flush;

16 (c) A toilet, except for a dual-flush tank-type toilet, shall have a  
17 maximum flush volume of 1.28 gallons per flush;

18 (d) A dual-flush tank-type toilet shall have a maximum dual-  
19 flush effective flush volume of 1.28 gallons per flush.

20 (17) A water cooler shall meet the product specifications of the  
21 "Energy Star Program Requirements Product Specification for  
22 Water Coolers, Version 2.0" developed by the United States  
23 Environmental Protection Agency.

24

25 4. The provisions of this act shall not apply to:

26 (1) new products manufactured in the State and sold outside the  
27 State;

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

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

33 (4) products designed expressly for installation and use in  
34 recreational vehicles.

35

36 5. a. The commissioner may require an updated test method  
37 pursuant to rules and regulations adopted pursuant to the  
38 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
39 seq.) when a new test procedure becomes available for a product  
40 regulated pursuant to this act.

41 b. The commissioner shall identify each product regulated  
42 pursuant to section 3 of this act and shall allow the use of existing  
43 marks, labels, or tags, to denote compliance with the efficiency  
44 requirements of this act, pursuant to rules and regulations adopted  
45 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
46 (C.52:14B-1 et seq.).



1       6. a. A manufacturer of a product regulated pursuant to section  
2 3 of this act shall annually test samples of its products in  
3 accordance with the test procedures adopted pursuant to this act.

4       b. A manufacturer of a product regulated pursuant to section 3  
5 of this act shall annually certify to the commissioner that the  
6 product is in compliance with the provisions of this act.

7       c. A manufacturer of a product regulated pursuant to section 3  
8 of this act shall identify that each product offered for sale in the  
9 State is in compliance with the provisions of this act by means of a  
10 mark, label, or tag on the product and packaging at the time of sale.

11       d. With prior notice, the commissioner may periodically  
12 inspect distributors or retailers of new products regulated pursuant  
13 to this act in order to determine compliance with the provisions of  
14 this act.

15       e. The commissioner shall investigate complaints received  
16 concerning violations of this act and shall report the results of such  
17 investigations to the Attorney General. A manufacturer, distributor,  
18 retailer, or person who violates the provisions of this act, shall be  
19 issued a warning by the commissioner for a first violation and shall  
20 be subject to a civil penalty of up to \$100 for each subsequent  
21 offense. Third and subsequent violations shall be subject to a civil  
22 penalty of not more than \$500 for each offense. Each violation shall  
23 constitute a separate offense, and each day that such violation  
24 continues shall constitute a separate offense.

25       f. If a product regulated pursuant to this act is found not to be  
26 in compliance with the minimum efficiency standards established  
27 under this act, the commissioner shall issue a violation to the  
28 manufacturer of such product which shall subject the manufacturer  
29 to a civil penalty equal to the cost of product purchase and testing.  
30 The commissioner shall make information available to the Attorney  
31 General and the public on products found not to be in compliance  
32 with the standards.

33       g. A civil penalty imposed pursuant to this section shall be  
34 collected in a summary manner under the "Penalty Enforcement  
35 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). All monies  
36 shall be deposited into the Societal Benefits Charge account.

37  
38       7. No later than 3 years after the date of enactment of this act,  
39 the Department of Community Affairs shall conduct a study to  
40 evaluate whether to add additional products to those regulated  
41 pursuant to this act, and whether to adopt more stringent energy  
42 standards or water conservation standards. The commissioner shall  
43 submit a written report thereon to the Governor and, pursuant to  
44 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature with  
45 recommendations for legislative action.

1       8. This act shall take effect on January 1, 2022.

2

3

4

STATEMENT

5

6       This bill sets specific, up-to-date efficiency standards for  
7 selected residential and commercial products. These energy and  
8 water efficiency standards are based on various sources including  
9 ENERGY STAR and WaterSense specifications, standards  
10 developed and adopted by the California Energy Commission.

11       The commissioner may require an updated test method when a  
12 new test procedure becomes available for a product regulated  
13 pursuant to this act. The commissioner shall identify each product  
14 regulated under the bill and is required to allow the use of existing  
15 marks, labels, or tags, to denote compliance with the efficiency  
16 requirements of this act, pursuant to rules and regulations adopted  
17 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
18 (C.52:14B-1 et seq.).

19       A manufacturer of a product regulated pursuant to section 3 of  
20 this act shall annually test samples of its products in accordance  
21 with the test procedures adopted under this bill. A manufacturer of a  
22 product regulated under this bill is required annually certify to the  
23 commissioner that the product is in compliance with the provisions  
24 of this act. A manufacturer of a product regulated pursuant to this  
25 bill is required to identify that each product offered for sale in the  
26 State is in compliance with the provisions of this act by means of a  
27 mark, label, or tag on the product and packaging at the time of sale.  
28 With prior notice, the commissioner may periodically inspect  
29 distributors or retailers of new products regulated under this bill in  
30 order to determine compliance with the provisions of the bill.

31       The commissioner is required investigate complaints received  
32 concerning violations of this act and is required report the results of  
33 such investigations to the Attorney General. A manufacturer,  
34 distributor, retailer, or person who violates the provisions of this  
35 act, shall be issued a warning by the commissioner for a first  
36 violation and shall be subject to a civil penalty of up to \$100 for  
37 each subsequent offense. Third and subsequent violations shall be  
38 subject to a civil penalty of not more than \$500 for each offense.  
39 Each violation shall constitute a separate offense, and each day that  
40 such violation continues shall constitute a separate offense.

41       If a product regulated pursuant to this act is found not to be in  
42 compliance with the minimum efficiency standards established  
43 under this bill, the commissioner is required issue a violation to the  
44 manufacturer of such product which will subject the manufacturer  
45 to a civil penalty equal to the cost of product purchase and testing.  
46 The commissioner will be required to make information available to

1 the Attorney General and the public on products found not to be in  
2 compliance with the standards.

3 A civil penalty imposed pursuant to this section shall be  
4 collected in a summary manner under the “Penalty Enforcement  
5 Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.) and deposited  
6 into the Societal Benefits Charge account.