

[First Reprint]

SENATE, No. 3324

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 11, 2021

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

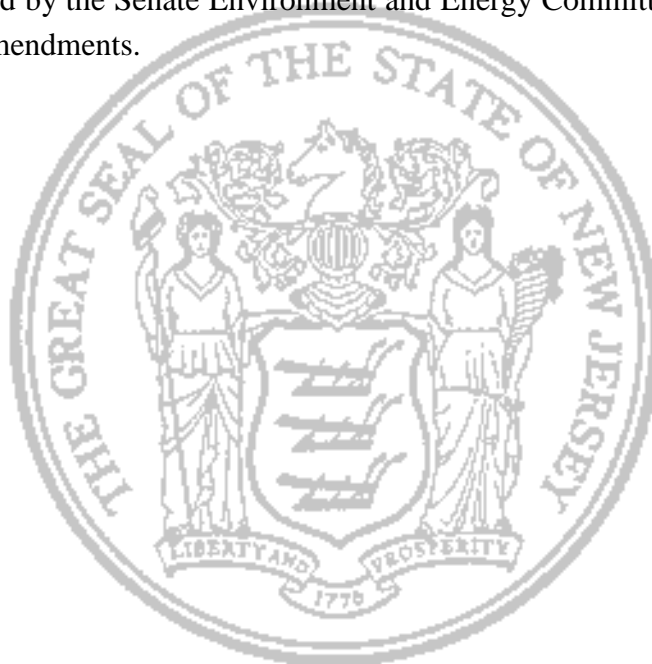
Senators Diegnan, Weinberg and Gopal

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 reported by the Senate Environment and Energy Committee on March 4, 2021, with amendments.



(Sponsorship Updated As Of: 3/25/2021)

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 ¹**[48]** 52¹ of the Revised
4 Statutes.

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

8
9 1. The Legislation finds and declares that:

10 (a) Energy efficiency standards for certain products sold or
11 installed in the ¹**[state]** State¹ assure consumers and businesses that
12 such products meet minimum efficiency performance levels,
13 thereby reducing energy and water waste and saving consumers and
14 businesses money on their utility bills;

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

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

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

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

32 ¹**[** 2. As used in this act:

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

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

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

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

44 “Commercial dishwasher” means a machine designed to clean
45 and sanitize plates, pots, pans, glasses, cups, bowls, utensils, and

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEN committee amendments adopted March 4, 2021.

1 trays by applying sprays of detergent solution and a sanitizing rinse.

2 “Commercial fryer” means an appliance in which oil is placed to
3 such a depth that the cooking food is supported by displacement of
4 the cooking fluid rather than by the bottom of the vessel, and in
5 which heat is delivered to the cooking fluid by means of an
6 immersed electric element or by heat transfer from gas burners.

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

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

13 “Commercial oven” means a chamber designed for heating,
14 roasting, or baking food by conduction, convection, radiation, or
15 electromagnetic energy.

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

20 “Commissioner” means the Commissioner of Community
21 Affairs.

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

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

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

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

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

32 “Faucet” means a private lavatory faucet, residential kitchen
33 faucet, metering faucet, public lavatory faucet, or replacement
34 aerator for a private lavatory, public lavatory or residential kitchen
35 faucet.

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

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

44 (1) Shatter-resistant lamps.

45 (2) 3-way lamps.

46 (3) Reflector lamps that are:

47 (a) ER30, BR30, BR40, or ER40 lamps rated at 50 Watts or
48 less;

1 (b) BR30, BR40, or ER40 lamps rated at 65 watts; or

2 (c) R20 lamps rated at 45 watts or less.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 “Water cooler” means a freestanding device that consumes
12 energy to cool or heat potable water.¹

13
14 ¹2. As used in this act:

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16 appliance with the primary function of removing particulate matter
17 from the air and which can be moved from room to room.

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22 ANSI C78.81 and ANSI C78.901; and

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24 the lamp and in marketing materials, including catalogs, sales
25 literature, and promotional material.

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27 and sanitize plates, pots, pans, glasses, cups, bowls, utensils, and
28 trays by applying sprays of detergent solution and a sanitizing rinse.

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4 California Code of Regulations, Title 20, Section 1602(v).
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6 volume of two reduced flushes and one full flush.
- 7 “Dual-flush tank-type toilet” means a toilet that allows the user
8 to flush the toilet with either a reduced or a full volume of water.
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30 ANSI 51 and is designed to contain the glass if the glass envelope
31 of the lamp is broken; and
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33 shatter-resistant, shatter-proof, or shatter-protected.
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43 gradually shut itself off over a period of several seconds.
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45 it is requested, which typically takes a few minutes to deliver water.
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47 tub which may include any combination of integral controls, water
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9 remotely mounted in-line fan designed to be used in a lavatory or
10 utility room, whose purpose is to move air from inside the building
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27 (4) B, BA, CA, F and G shape lamps as defined in ANSI
28 C79.1:2002 with a lumen output of greater than or equal to 200 and
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31 lumen output greater than or equal to 200 and less than 310.

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33 use by two or more persons.

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

36 “Water cooler” means a freestanding device that consumes
37 energy to cool or heat potable water.¹
38

39 ¹**[2.] 3.** a. No person shall sell, offer for sale, or lease a new air
40 purifier, cold temperature fluorescent lamp, commercial dishwasher,
41 commercial fryer, commercial hot-food holding cabinet, commercial
42 oven, commercial steam cooker, computer, computer monitor,
43 electrical vehicle service equipment, high color rendering index
44 fluorescent lamp, impact-resistant fluorescent lamp, faucet,
45 showerhead, toilet, urinal, portable electric spa, residential ventilating
46 fan, state-regulated general service lamp; spray sprinkler body, urinal,
47 or water cooler in the State unless the new product meets or exceeds

1 the efficiency standards adopted in rules and regulations pursuant to
2 section ¹~~3~~ 4¹ of this act.

3 b. No later than one year after the date of enactment of this act,
4 no product subject to the requirements of subsection a. or b. of this
5 section may be installed for compensation in the State unless the
6 efficiency of the new product meets or exceeds the efficiency
7 standards adopted in rules and regulations pursuant to section ¹~~3~~ 4¹
8 of this act.

9
10 ¹~~3~~ 4¹ a. No later than one year after the date of enactment of
11 this act, the commissioner, pursuant to the "Administrative
12 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
13 rules and regulations to establish energy efficiency standards to
14 implement the provisions of this act.

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

17 (1) Air purifiers, except industrial air purifiers, shall meet the
18 following requirements as measured in accordance with the
19 ENERGY STAR Program Requirements Product Specification for
20 Room Air Cleaners, Version 2.0:

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

22 (b) For models with a clean air delivery rate for smoke less than
23 100, clean air delivery rate per Watt for smoke shall be greater than
24 or equal to 1.7;

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

28 (d) For models with a clean air delivery rate for smoke greater
29 than or equal to 150, clean air delivery rate per Watt for smoke shall
30 be greater than or equal to 2.0;

31 (e) For ozone-emitting models, measured ozone shall be less
32 than or equal to 50 parts per billion (ppb);

33 (f) For models with a Wi-Fi network connection enabled by
34 default when shipped, partial on mode power shall not exceed 2
35 watts; and

36 (g) For models without a Wi-Fi network connection enabled by
37 default when shipped, partial on mode power shall not exceed 1
38 watt.

39 (2) A commercial dishwasher shall meet the product
40 specifications of the "Energy Star Program Requirements for
41 Commercial dishwashers Version 2.0" developed by the United
42 States Environmental Protection Agency ¹~~3~~ 4¹;

43 (3) A commercial fryer shall meet the product specifications of
44 the "Energy Star Program Requirements for Commercial Fryers
45 Version 2.0" developed by the United States Environmental
46 Protection Agency;

47 (4) A commercial hot-food holding cabinet shall meet the
48 product specifications of the "Energy Star Program Requirements

1 for Commercial Hot Food Holding Cabinets Version 2.0" developed
2 by the United States Environmental Protection Agency;

3 (5) A commercial oven shall meet the product specifications of
4 the "Energy Star Program Requirements for Commercial Oven
5 Version 2.2" developed by the United States Environmental
6 Protection Agency;

7 (6) A commercial steam cooker shall meet the product
8 specifications of the "Energy Star Program Requirements for
9 Commercial Steam Cookers, Version 1.2" developed by the United
10 States Environmental Protection Agency;

11 (7) A computer or computer monitor shall meet the
12 requirements of the California Code of Regulations, Title 20,
13 Section 1605.3(v) and compliance with those requirements shall be
14 measured in accordance with test methods prescribed in the
15 California Code of Regulations, Title 20, Section 1604(v);

16 (8) Electric vehicle service equipment shall meet the product
17 specifications of the "Energy Star Program Requirements Product
18 Specification for Electric Vehicle Supply Equipment, Version 1.0"
19 developed by the United States Environmental Protection Agency;

20 (9) A faucet, except for a metering faucet, shall meet the
21 standards in this paragraph when tested in accordance with
22 Appendix S to Subpart B of Part 430 of Title 10, Code of Federal
23 Regulations and compliance with those requirements shall be in
24 accordance with the "Uniform Test Method for Measuring the
25 Water Consumption of Faucets and Showerheads";

26 (a) A lavatory faucet or a replacement aerator for a lavatory
27 faucet shall not exceed a maximum flow rate of 1.5 gallons per
28 minute at 60 pounds per square inch;

29 (b) A residential kitchen faucet or replacement aerator for a
30 residential kitchen faucet shall not exceed a maximum flow rate of
31 1.8 gallons per minute at 60 pounds per square inch, with an
32 optional temporary flow rate of 2.2 gallons per minute, provided the
33 faucet or replacement aerator defaults to a maximum flow rate of
34 1.8 gallons per minute at 60 pounds per square inch after each use;
35 and

36 (c) A public lavatory faucet or a replacement aerator for a
37 public lavatory faucet shall not exceed a maximum flow rate of 0.5
38 gallons per minute at 60 pounds per square inch ¹ [;] ¹

39 (10) A state-regulated general service lamp shall meet a lamp
40 efficacy of 45 lumens per watt, when tested in accordance with the
41 applicable federal test procedures for general service lamps,
42 prescribed in Section 430.23(gg) of Title 10, Code of Federal
43 Regulations;

44 (11) A High color rendering index, cold temperature, or impact-
45 resistant fluorescent lamp shall meet the minimum efficacy
46 requirements contained in Section 430.32(n)(4) of Title 10, Code of
47 Federal Regulations, as measured in accordance with the "Uniform
48 Test Method for Measuring Average Lamp Efficacy (LE), Color

1 Rendering Index (CRI), and Correlated Color Temperature (CCT)
2 of Electric Lamps" in Appendix R to Subpart B of Part 430 of Title
3 10, Code of Federal Regulations;

4 (12) A portable electric spa shall meet the requirements of the
5 "American National Standard for Portable Electric Spa Energy
6 Efficiency 14-2019";

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

14 ¹;

15 (14) A showerhead shall not exceed a maximum flow rate of
16 2.0 gallons per minute at 80 pounds per square inch when tested in
17 accordance with Appendix S to Subpart B of Part 430 of Title 10,
18 Code of Federal Regulations and compliance with those
19 requirements shall be the "Uniform Test Method for Measuring the
20 Water Consumption of Faucets and Showerheads ¹[";"] ²;

21 (15) A spray sprinkler body that is not specifically excluded
22 from the scope of the United States Environmental Protection
23 Agency's WaterSense program "Specification for Spray Sprinkler
24 Bodies, Version 1.0," shall include an integral pressure regulator
25 and shall meet the water efficiency and performance criteria and
26 other requirements of the "Specification for Spray Sprinkler Bodies,
27 Version 1.0" ¹[";"] ²;

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

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

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

41 (c) A toilet, except for a dual-flush tank-type toilet, shall have a
42 maximum flush volume of 1.28 gallons per flush; ¹and¹

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

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

1 ¹**[4.] 5.**¹ The provisions of this act shall not apply to:

2 (1) new products manufactured in the State and sold outside the
3 State;

4 (2) new products manufactured outside the State and sold at
5 wholesale inside the State for final retail sale and installation
6 outside the State;

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

9 (4) products designed expressly for installation and use in
10 recreational vehicles.

11

12 ¹**[5.] 6.**¹ a. The commissioner may require an updated test
13 method pursuant to rules and regulations adopted pursuant to the
14 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
15 when a new test procedure becomes available for a product regulated
16 pursuant to this act.

17 b. The commissioner shall identify each product regulated
18 pursuant to section ¹**[3] 4**¹ of this act and shall allow the use of
19 existing marks, labels, or tags, to denote compliance with the
20 efficiency requirements of this act, pursuant to rules and regulations
21 adopted pursuant to the "Administrative Procedure Act," P.L.1968,
22 c.410 (C.52:14B-1 et seq.).

23

24 ¹**[6.] 7.**¹ a. A manufacturer of a product regulated pursuant to
25 section ¹**[3] 4**¹ of this act shall annually test samples of its products in
26 accordance with the test procedures adopted pursuant to this act.

27 b. A manufacturer of a product regulated pursuant to section ¹**[3]**
28 **4**¹ of this act shall annually certify to the commissioner that the
29 product is in compliance with the provisions of this act.

30 c. A manufacturer of a product regulated pursuant to section ¹**[3]**
31 **4**¹ of this act shall identify that each product offered for sale in the
32 State is in compliance with the provisions of this act by means of a
33 mark, label, or tag on the product and packaging at the time of sale.

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

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

1 f. If a product regulated pursuant to this act is found not to be in
2 compliance with the minimum efficiency standards established under
3 this act, the commissioner shall issue a violation to the manufacturer of
4 such product which shall subject the manufacturer to a civil penalty
5 equal to the cost of product purchase and testing. The commissioner
6 shall make information available to the Attorney General and the
7 public on products found not to be in compliance with the standards.

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

12

13 ¹**[7.]** 8.¹ No later than 3 years after the date of enactment of this
14 act, the Department of Community Affairs shall conduct a study to
15 evaluate whether to add additional products to those regulated
16 pursuant to this act, and whether to adopt more stringent energy
17 standards or water conservation standards. The commissioner shall
18 submit a written report thereon to the Governor and, pursuant to
19 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature with
20 recommendations for legislative action.

21

22 ¹**[8.]** 9.¹ This act shall take effect on January 1, 2022.