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ASSEMBLY, No. 5160

STATE OF NEW JERSEY

219th LEGISLATURE

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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 Assembly Telecommunications and Utilities Committee on February 24, 2021, with amendments.

(Sponsorship Updated As Of: 5/20/2021)

AN ACT establishing minimum energy and water efficiency standards for certain products sold, offered for sale, or leased, in the State and supplementing Title [1]**[**48**]** 52[1] of the Revised Statutes.

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

1. The Legislation finds and declares that:

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

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

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

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

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

2. As used in this act:

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

"Cold temperature fluorescent lamp" means a fluorescent bulb or lamp that is not a compact fluorescent lamp and which:

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

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

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:
[1]Assembly ATU committee amendments adopted February 24, 2021.

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

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

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

"Commercial hot-food holding cabinet" shall not include heated glass merchandizing cabinets, drawer warmers, or cook-and-hold appliances.

"Commercial oven" means a chamber designed for heating, roasting, or baking food by conduction, convection, radiation, or electromagnetic energy.

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

"Commissioner" means the Commissioner of Community Affairs.

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

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

"Dual-flush effective flush volume" means the average flush volume of two reduced flushes and one full flush.

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

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

"Faucet" means a private lavatory faucet, residential kitchen faucet, metering faucet, public lavatory faucet, or replacement aerator for a private lavatory, public lavatory or residential kitchen faucet.

"General service lamp" means a light bulb, including a general service incandescent lamp, compact fluorescent lamp, general service light-emitting diode lamp, organic light-emitting diode lamp, and any other lamps or bulbs that are used to satisfy lighting applications traditionally served by general service incandescent lamps.

"State-regulated general service lamp" means any of the following medium-based incandescent light bulbs:

(1) Shatter-resistant lamps.

(2) 3-way lamps.

(3) Reflector lamps that are:

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

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

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

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

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

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

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

"Impact-resistant fluorescent lamp" means a fluorescent lamp or bulb that is not a compact fluorescent lamp and which:

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

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

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

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

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

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

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

"Pressure regulator" means a device that maintains constant operating pressure immediately downstream from the device, given higher pressure upstream.

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

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

"Residential ventilating fan" means a ceiling, wall-mounted, or remotely mounted in-line fan designed to be used in a lavatory or

utility room, whose purpose is to move air from inside the building to the outdoors.

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

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

"Trough-type urinal" means a urinal designed for simultaneous use by two or more persons.

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

"Water cooler" means a freestanding device that consumes energy to cool or heat potable water.

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

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

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

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

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

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

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

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

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

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

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

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

(2) A commercial dishwasher shall meet the product specifications of the "Energy Star Program Requirements for Commercial dishwashers Version 2.0" developed by the United States Environmental Protection Agency.

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

(4) A commercial hot-food holding cabinet shall meet the product specifications of the "Energy Star Program Requirements for Commercial Hot Food Holding Cabinets Version 2.0" developed by the United States Environmental Protection Agency;

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

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

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

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

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

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

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

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

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

(11) A High color rendering index, cold temperature, or impact-resistant fluorescent lamp shall meet the minimum efficacy requirements contained in Section 430.32(n)(4) of Title 10, Code of Federal Regulations, as measured in accordance with the "Uniform Test Method for Measuring Average Lamp Efficacy (LE), Color Rendering Index (CRI), and Correlated Color Temperature (CCT) of Electric Lamps" in Appendix R to Subpart B of Part 430 of Title 10, Code of Federal Regulations;

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

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

(14) A showerhead shall not exceed a maximum flow rate of 2.0 gallons per minute at 80 pounds per square inch when tested in accordance with Appendix S to Subpart B of Part 430 of Title 10, Code of Federal Regulations and compliance with those

requirements shall be the “Uniform Test Method for Measuring the Water Consumption of Faucets and Showerheads;”

(15) A spray sprinkler body that is not specifically excluded from the scope of the United States Environmental Protection Agency’s WaterSense program “Specification for Spray Sprinkler Bodies, Version 1.0,” shall include an integral pressure regulator and shall meet the water efficiency and performance criteria and other requirements of the “Specification for Spray Sprinkler Bodies, Version 1.0”.

(16) A urinal or toilet, other than those designed and marketed exclusively for use at prisons or mental health facilities, shall meet the standards in subparagraphs (a) through (d) when tested in accordance with Appendix T to Subpart B of Part 430 of Title 10 , Code of Federal Regulations “Uniform Test Method for Measuring the Water Consumption of Water Closets and Urinals.” A toilet shall be required to pass the waste extraction test for toilets in the American Society of Mechanical Engineers standardA112.19.2, Section 7.9;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. No later than 3 years after the date of enactment of this act, the Department of Community Affairs shall conduct a study to evaluate whether to add additional products to those regulated

pursuant to this act, and whether to adopt more stringent energy standards or water conservation standards. The commissioner shall submit a written report thereon to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature with recommendations for legislative action.

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