

[Second Reprint]

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, Assemblymen Verrelli, Calabrese, Karabinchak, Assemblywomen Jasey, Vainieri Huttie, Chaparro, Assemblyman Johnson, Assemblywoman Murphy, Assemblymen Daniels, McKeon, Assemblywoman Speight, Assemblyman Stanley, Assemblywoman Lopez and Assemblyman Houghtaling

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 Budget and Appropriations Committee on November 8, 2021, with amendments.

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

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 ²**[state]** State² 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 ²**[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.

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:

¹Assembly ATU committee amendments adopted February 24, 2021.

²Senate SBA committee amendments adopted November 8, 2021.

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

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

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

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

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

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

22 “Commissioner” means the Commissioner of Community
23 Affairs.

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

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

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

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

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

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

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

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

46 (1) Shatter-resistant lamps.

47 (2) 3-way lamps.

- 1 (3) Reflector lamps that are:
- 2 (a) ER30, BR30, BR40, or ER40 lamps rated at 50 Watts or
- 3 less;
- 4 (b) BR30, BR40, or ER40 lamps rated at 65 watts; or
- 5 (c) R20 lamps rated at 45 watts or less.
- 6 (4) B, BA, CA, F and G shape lamps as defined in ANSI
- 7 C79.1:2002 with a lumen output of greater than or equal to 200 and
- 8 rated at 40 watts or less.
- 9 (5) A and C shape lamps as defined in ANSI C79.1:2002 with
- 10 lumen output greater than or equal to 200 and less than 310.
- 11 “Hand-held showerhead” means a showerhead that can be held
- 12 or fixed in place for the purpose of spraying water onto a bather and
- 13 that is connected to a flexible hose.
- 14 “High color rendering index fluorescent lamp” means a
- 15 fluorescent lamp with a color rendering index of 87 or greater that
- 16 is not a compact fluorescent lamp.
- 17 “Impact-resistant fluorescent lamp” means a fluorescent lamp or
- 18 bulb that is not a compact fluorescent lamp and which:
- 19 (a) has a coating or equivalent technology that is compliant with
- 20 ANSI 51 and is designed to contain the glass if the glass envelope
- 21 of the lamp is broken; and
- 22 (b) is designated and marketed as being impact-resistant,
- 23 shatter-resistant, shatter-proof, or shatter-protected;
- 24 “Industrial air purifier” means an indoor air cleaning device
- 25 manufactured, advertised, marketed, labeled, and used solely for
- 26 industrial use that are marketed solely through industrial supply
- 27 outlets or businesses and prominently labeled as “Solely for
- 28 industrial use. Potential health hazard: emits ozone;”
- 29 “Lamp efficacy” or “luminous efficacy” means the measure of
- 30 how well a light source produces visible light, and which is the ratio
- 31 of luminous flux to power, measured in lumens per watt.
- 32 “Metering faucet” means a fitting that, when turned on, will
- 33 gradually shut itself off over a period of several seconds.
- 34 “On demand water cooler” means the water cooler heats water as
- 35 it is requested, which typically takes a few minutes to deliver water.
- 36 “Portable electric spa” means a factory-built electric spa or hot
- 37 tub which may include any combination of integral controls, water
- 38 heating, or water circulating equipment.
- 39 “Pressure regulator” means a device that maintains constant
- 40 operating pressure immediately downstream from the device, given
- 41 higher pressure upstream.
- 42 “Public lavatory faucet” means a fitting designed to be installed
- 43 in nonresidential lavatories that are exposed to walk-in traffic.
- 44 “Replacement aerator” means an aerator sold as a replacement,
- 45 separate from the faucet to which it is intended to be attached.
- 46 “Residential ventilating fan” means a ceiling, wall-mounted, or
- 47 remotely mounted in-line fan designed to be used in a lavatory or

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

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

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

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

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

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

15

16 ²2. As used in this act:

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

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26 the lamp and in marketing materials, including catalogs, sales
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38 use by two or more persons.

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40 waste and conveys the waste through a trap into a drainage system.

41 “Water cooler” means a freestanding device that consumes
42 energy to cool or heat potable water.²

43
44 ²**[2.] 3.** a. No person shall sell, offer for sale, or lease a new air
45 purifier, cold temperature fluorescent lamp, commercial dishwasher,
46 commercial fryer, commercial hot-food holding cabinet, commercial

1 oven, commercial steam cooker, computer, computer monitor,
2 electrical vehicle service equipment, high color rendering index
3 fluorescent lamp, impact-resistant fluorescent lamp, faucet,
4 showerhead, toilet, urinal, portable electric spa, residential ventilating
5 fan, state-regulated general service lamp; spray sprinkler body, urinal,
6 or water cooler in the State unless the new product meets or exceeds
7 the efficiency standards adopted in rules and regulations pursuant to
8 section ²~~[3]~~ 4² of this act.

9 b. No later than one year after the date of enactment of this act,
10 no product subject to the requirements of subsection a. or b. of this
11 section may be installed for compensation in the State unless the
12 efficiency of the new product meets or exceeds the efficiency
13 standards adopted in rules and regulations pursuant to section ²~~[3]~~ 4²
14 of this act.

15
16 ²~~[3.]~~ 4.² a. No later than one year after the date of enactment of
17 this act, the commissioner, pursuant to the "Administrative
18 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
19 rules and regulations to establish energy efficiency standards to
20 implement the provisions of this act.

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

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

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

28 (b) For models with a clean air delivery rate for smoke less than
29 100, clean air delivery rate per Watt for smoke shall be greater than
30 or equal to 1.7;

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

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

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

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

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

45 (2) A commercial dishwasher shall meet the product
46 specifications of the "Energy Star Program Requirements for

1 Commercial dishwashers Version 2.0" developed by the United
2 States Environmental Protection Agency ²[.];²

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

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

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

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

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

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

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

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

37 (b) A residential kitchen faucet or replacement aerator for a
38 residential kitchen faucet shall not exceed a maximum flow rate of
39 1.8 gallons per minute at 60 pounds per square inch, with an
40 optional temporary flow rate of 2.2 gallons per minute, provided the
41 faucet or replacement aerator defaults to a maximum flow rate of
42 1.8 gallons per minute at 60 pounds per square inch after each use;
43 and

44 (c) A public lavatory faucet or a replacement aerator for a
45 public lavatory faucet shall not exceed a maximum flow rate of 0.5
46 gallons per minute at 60 pounds per square inch ²[.];²

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

6 (11) A High color rendering index, cold temperature, or impact-
7 resistant fluorescent lamp shall meet the minimum efficacy
8 requirements contained in Section 430.32(n)(4) of Title 10, Code of
9 Federal Regulations, as measured in accordance with the “Uniform
10 Test Method for Measuring Average Lamp Efficacy (LE), Color
11 Rendering Index (CRI), and Correlated Color Temperature (CCT)
12 of Electric Lamps” in Appendix R to Subpart B of Part 430 of Title
13 10, Code of Federal Regulations;

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

17 (13) An in-line residential ventilating fan shall have a fan motor
18 efficacy of no less than 2.8 cubic feet per minute per watt. All other
19 residential ventilating fans shall have a fan motor efficacy of no less
20 than 1.4 cubic feet per minute per watt for airflows less than 90
21 cubic feet per minute and no less than 2.8 cubic feet per minute per
22 watt for other airflows when tested in accordance with Home
23 Ventilation Institute Publication 916 “HVI Airflow Test Procedure”
24 ^{2.2}₁

25 (14) A showerhead shall not exceed a maximum flow rate of
26 2.0 gallons per minute at 80 pounds per square inch when tested in
27 accordance with Appendix S to Subpart B of Part 430 of Title 10,
28 Code of Federal Regulations and compliance with those
29 requirements shall be the “Uniform Test Method for Measuring the
30 Water Consumption of Faucets and Showerheads ²【;”】 ₂”²

31 (15) A spray sprinkler body that is not specifically excluded
32 from the scope of the United States Environmental Protection
33 Agency’s WaterSense program “Specification for Spray Sprinkler
34 Bodies, Version 1.0,” shall include an integral pressure regulator
35 and shall meet the water efficiency and performance criteria and
36 other requirements of the “Specification for Spray Sprinkler Bodies,
37 Version 1.0” ²【.】 ₂”²

38 (16) A urinal or toilet, other than those designed and marketed
39 exclusively for use at prisons or mental health facilities, shall meet
40 the standards in subparagraphs (a) through (d) when tested in
41 accordance with Appendix T to Subpart B of Part 430 of Title 10 ,
42 Code of Federal Regulations “Uniform Test Method for Measuring
43 the Water Consumption of Water Closets and Urinals.” A toilet
44 shall be required to pass the waste extraction test for toilets in the
45 American Society of Mechanical Engineers standard A112.19.2,
46 Section 7.9;

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

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

5 (c) A toilet, except for a dual-flush tank-type toilet, shall have a
6 maximum flush volume of 1.28 gallons per flush; ²and²

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

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

13

14 ²[4.] 5.² The provisions of this act shall not apply to:

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

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

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

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

24

25 ²[5.] 6.² a. The commissioner may require an updated test
26 method pursuant to rules and regulations adopted pursuant to the
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
28 when a new test procedure becomes available for a product regulated
29 pursuant to this act.

30 b. The commissioner shall identify each product regulated
31 pursuant to section ²[3] 4² of this act and shall allow the use of
32 existing marks, labels, or tags, to denote compliance with the
33 efficiency requirements of this act, pursuant to rules and regulations
34 adopted pursuant to the "Administrative Procedure Act," P.L.1968,
35 c.410 (C.52:14B-1 et seq.).

36

37 ²[6.] 7.² a. A manufacturer of a product regulated pursuant to
38 section ²[3] 4² of this act shall annually test samples of its products in
39 accordance with the test procedures adopted pursuant to this act.

40 b. A manufacturer of a product regulated pursuant to section ²[3]
41 4² of this act shall annually certify to the commissioner that the
42 product is in compliance with the provisions of this act.

43 c. A manufacturer of a product regulated pursuant to section ²[3]
44 4² of this act shall identify that each product offered for sale in the
45 State is in compliance with the provisions of this act by means of a
46 mark, label, or tag on the product and packaging at the time of sale.

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

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

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

21 g. A civil penalty imposed pursuant to this section shall be
22 collected in a summary manner under the "Penalty Enforcement Law
23 of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). All monies shall be
24 deposited into the Societal Benefits Charge account.
25

26 ²**[7.] 8.**² No later than 3 years after the date of enactment of
27 this act, the Department of Community Affairs shall conduct a
28 study to evaluate whether to add additional products to those
29 regulated pursuant to this act, and whether to adopt more stringent
30 energy standards or water conservation standards. The
31 commissioner shall submit a written report thereon to the Governor
32 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
33 Legislature with recommendations for legislative action.
34

35 ²**[8.] 9.**² This act shall take effect on January 1, 2022.