S-1147.2

SUBSTITUTE SENATE BILL 5115

State of Washington 66th Legislature 2019 Regular Session

By Senate Environment, Energy & Technology (originally sponsored by Senators Carlyle, Palumbo, Wellman, Hunt, Saldaña, Liias, and Kuderer; by request of Department of Commerce)

READ FIRST TIME 02/01/19.

AN ACT Relating to appliance efficiency standards; amending RCW 19.260.010, 19.260.030, 19.260.040, 19.260.050, 19.260.060, and 19.260.070; reenacting and amending RCW 19.260.020; and repealing RCW 19.27.170.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 19.260.010 and 2005 c 298 s 1 are each amended to read as follows:

The legislature finds that efficiency standards:

(1) ((~~According to estimates of the department of community, trade, and economic development, the efficiency standards set forth in chapter 298, Laws of 2005 will save nine hundred thousand megawatt-hours of electricity, thirteen million therms of natural gas, and one billion seven hundred million gallons of water in the year 2020, fourteen years after the standards have become effective, with a total net present value to buyers of four hundred ninety million dollars in 2020.~~

~~(2) Efficiency standards~~)) For certain products sold or installed in the state assure consumers and businesses that such products meet minimum efficiency performance levels thus saving money on utility bills.

((~~(3) Efficiency standards~~)) (2) Save energy and reduce pollution and other environmental impacts associated with the production, distribution, and use of electricity and natural gas.

((~~(4) Efficiency standards~~)) (3) Contribute to the economy of Washington by helping to better balance energy supply and demand, thus reducing pressure for higher natural gas and electricity prices. By saving consumers and businesses money on energy bills, efficiency standards help the state and local economy, since energy bill savings can be spent on local goods and services.

((~~(5) Efficiency standards~~)) (4) Can make electricity systems more reliable by reducing the strain on the electricity grid during peak demand periods. Furthermore, improved energy efficiency can reduce or delay the need for new power plants, power transmission lines, and power distribution system upgrades.

(5) Help ensure renters have the same access to energy efficient appliances as homeowners.

Sec. 2. RCW 19.260.020 and 2009 c 565 s 18 and 2009 c 501 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) ((~~"Automatic commercial ice cube machine" means a factory-made assembly, not necessarily shipped in one package, consisting of a condensing unit and ice-making section operating as an integrated unit with means for making and harvesting ice cubes. It may also include integrated components for storing or dispensing ice, or both.~~

~~(2)~~)) "Bottle-type water dispenser" means a water dispenser that uses a bottle or reservoir as the source of potable water.

((~~(3)~~)) (2) "Commercial hot food holding cabinet" means a heated, fully enclosed compartment, with one or more solid or partial glass doors, that is designed to maintain the temperature of hot food that has been cooked in a separate appliance. "Commercial hot food holding cabinet" does not include heated glass merchandising cabinets, drawer warmers, or cook and hold appliances.

((~~(4)(a) "Commercial refrigerators and freezers" means refrigerators, freezers, or refrigerator-freezers designed for use by commercial or institutional facilities for the purpose of storing or merchandising food products, beverages, or ice at specified temperatures that: (i) Incorporate most components involved in the vapor-compression cycle and the refrigerated compartment in a single~~

~~cabinet; and (ii) may be configured with either solid or transparent doors as a reach-in cabinet, pass-through cabinet, roll-in cabinet, or roll-through cabinet.~~

~~(b) "Commercial refrigerators and freezers" does not include: (i) Products with 85 cubic feet or more of internal volume; (ii) walk-in refrigerators or freezers; (iii) consumer products that are federally regulated pursuant to 42 U.S.C. Sec. 6291 et seq.; (iv) products without doors; or (v) freezers specifically designed for ice cream.~~

~~(5)~~)) (3) "Compensation" means money or any other valuable thing, regardless of form, received or to be received by a person for services rendered.

((~~(6)~~)) (4) "Cook and hold appliance" means a multiple mode appliance intended for cooking food that may be used to hold the temperature of the food that has been cooked in the same appliance.

((~~(7)~~)) (5) "Department" means the department of commerce.

((~~(8)~~)) (6) "Drawer warmer" means an appliance that consists of one or more heated drawers and that is designed to hold hot food that has been cooked in a separate appliance at a specified temperature.

((~~(9)~~)) (7) "Heated glass merchandising cabinet" means an appliance with a heated cabinet constructed of glass or clear plastic doors which, with seventy percent or more clear area, is designed to display and maintain the temperature of hot food that has been cooked in a separate appliance.

((~~(10)~~)) (8) "Hot water dispenser" means a small electric water heater that has a measured storage volume of no greater than one gallon.

((~~(11)~~)) (9) "Mini-tank electric water heater" means a small electric water heater that has a measured storage volume of more than one gallon and a rated storage volume of less than twenty gallons.

((~~(12) "Pass-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on both the front and rear of the unit.~~

~~(13)~~)) (10) "Point-of-use water dispenser" means a water dispenser that uses a pressurized water utility connection as the source of potable water.

((~~(14) "Pool heater" means an appliance designed for heating nonpotable water contained at atmospheric pressure for swimming pools, spas, hot tubs, and similar applications.~~

~~(15)~~)) (11) "Portable electric spa" means a factory-built electric spa or hot tub, ((~~supplied with equipment for heating and~~

~~circulating water~~)) which may or may not include any combination of integral controls, water heating, or water circulating equipment.

((~~(16) "Reach-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors or lids, but does not include roll-in or roll-through cabinets or pass-through cabinets.~~

~~(17)~~)) (12) "Residential pool pump" means a pump used to circulate and filter pool water in order to maintain clarity and sanitation.

((~~(18)(a) "Roll-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors that allow wheeled racks of product to be rolled into the unit.~~

~~(b) "Roll-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on two sides of the cabinet that allow wheeled racks of product to be rolled through the unit.~~

~~(19)~~)) (13) "Showerhead" means a device through which water is discharged for a shower bath and includes a body sprayer and handheld showerhead but does not include a safety showerhead.

((~~(20)~~)) (14) "Showerhead tub spout diverter combination" means a group of plumbing fittings sold as a matched set and consisting of a control valve, a tub spout diverter, and a showerhead.

((~~(21) "State-regulated incandescent reflector lamp" means a lamp that is not colored or designed for rough or vibration service applications, has an inner reflective coating on the outer bulb to direct the light, an E26 medium screw base, a rated voltage or voltage range that lies at least partially within 115 to 130 volts, and falls into one of the following categories:~~

~~(a) A bulged reflector or elliptical reflector bulb shape and which has a diameter which equals or exceeds 2.25 inches; or~~

~~(b) A reflector, parabolic aluminized reflector, or similar bulb shape and which has a diameter of 2.25 to 2.75 inches.~~

~~(22)~~)) (15) "Tub spout diverter" means a device designed to stop the flow of water into a bathtub and to divert it so that the water discharges through a showerhead.

((~~(23) "Wine chillers designed and sold for use by an individual" means refrigerators designed and sold for the cooling and storage of wine by an individual.~~))

(16) "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, with or without blasting media granules, and a sanitizing rinse.

(17) "Commercial fryer" means an appliance, including a cooking vessel, 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. Heat is delivered to the cooking fluid by means of an immersed electric element of band-wrapped vessel (electric fryers) or by heat transfer from gas burners through either the walls of the fryer or through tubes passing through the cooking fluid (gas fryers).

(18) "Commercial steam cooker" means a device with one or more food-steaming compartments in which the energy in the steam is transferred to the food by direct contact. Models may include countertop models, wall-mounted models, and floor models mounted on a stand, pedestal, or cabinet-style base.

(19) "Air compressor" means a compressor designed to compress air that has an inlet open to the atmosphere or other source of air and is made up of a compression element (bare compressor), a driver or drivers, mechanical equipment to drive the compressor element, and any ancillary equipment.

(20) "Compressor" means a machine or apparatus that converts different types of energy into the potential energy of gas pressure for displacement and compression of gaseous media to any higher-pressure values above atmospheric pressure and has a pressure ratio at full-load operating pressure greater than 1.3.

(21) "Computer" means a device that performs logical operations and processes data. "Computer" includes both stationary and portable units and includes a desktop computer, a portable all-in-one, a notebook computer, a high expandability computer, a small-scale server, a thin client, and a workstation. "Computer" does not include a tablet, game console or handheld gaming system, a device with an integrated primary display that has a screen size of twenty square inches or less, small computer device, a server other than a small-scale server, or an industrial computer. Although a computer is capable of using input devices and displays, these devices are not required to be included with the computer when the computer is shipped. A computer is composed of, at a minimum:

(a) A central processing unit to perform operations or, if no central processing unit is present, then the device must function as a client gateway to a server and the server acts as the computational central processing unit;

(b) The ability to support user input devices such as a keyboard, mouse, or touchpad; and

(c) An integrated display screen or the ability to support an external display screen to output information.

(22) "Computer monitor" means an analog or digital device of diagonal screen size greater than or equal to seventeen inches and less than or equal to sixty-one inches, that has a pixel density of greater than five thousand pixels per square inch, and that is designed primarily for the display of computer generated signals for viewing by one person in a desk-based environment. A computer monitor is composed of a display screen and associated electronics. A computer monitor does not include:

(a) Displays with integrated or replaceable batteries designed to support primary operation without AC mains or external DC power, such as electronic readers, mobile phones, tablets, or battery-powered digital picture frames; or

(b) A television or a signage display.

(23) "Faucet" means a lavatory faucet, kitchen faucet, metering faucet, public lavatory faucet, or replacement aerator for a lavatory, public lavatory, or kitchen faucet.

(24) "General service lamp" has the same meaning as set forth in the action published at 82 Fed. Reg. 7276, 7321-22 (January 19, 2017) and modified by the action published at 82 Fed. Reg. 7322, 7333 (January 19, 2017).

(25) "High color rendering index fluorescent lamp" or "high CRI fluorescent lamp" means a fluorescent lamp with a color rendering index of eighty-seven or greater that is not a compact fluorescent lamp.

(26) "Portable air conditioner" means a portable encased assembly, other than a packaged terminal air conditioner, room air conditioner, or dehumidifier, that delivers cooled, conditioned air to an enclosed space, and is powered by single-phase electric current. It includes a source of refrigeration and may include additional means for air circulation and heating and may be a single-duct or a dual-duct portable air conditioner.

(27) "Residential ventilating fan" means a ceiling, wall-mounted, or remotely mounted in-line fan designed to be used in a bathroom or utility room whose purpose is to move objectionable air from inside the building to the outdoors.

(28) "Signage display" means an analog or digital device designed primarily for the display for computer-generated signals that is not marketed for use as a computer monitor or a television.

(29) "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.

(30) "Uninterruptible power supply" means a battery charger consisting of a number of convertors, switches, and energy storage devices such as batteries, constituting a power system for maintaining continuity of load power in case of input power failure.

(31) "Urinal" means a plumbing fixture that receives only liquid body waste and, on demand, conveys the waste through a trap seal into a gravity drainage system.

(32) "Water closet" means a plumbing fixture having a water-containing receptor that receives liquid and solid body waste through an exposed integral trap into a gravity drainage system.

(33) "Water cooler" means a freestanding device that consumes energy to cool or heat potable water, including cold only units, hot and cold units, cook and cold units, storage-type units, and on-demand units.

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

(35) "ANSI" means the American national standards institute.

(36) "CTA" means the consumer technology association.

(37) "Residential electric storage water heater" means a federally regulated consumer product that uses electricity as the energy source to heat domestic potable water, has a nameplate input rating of twelve kilowatts or less, contains nominally forty gallons but no more than one hundred twenty gallons of rated hot water storage volume, and supplies a maximum hot water delivery temperature less than one hundred eighty degrees fahrenheit.

Sec. 3. RCW 19.260.030 and 2009 c 501 s 2 are each amended to read as follows:

(1) This chapter applies to the following types of new products sold, offered for sale, or installed in the state:

(a) ((~~Automatic commercial ice cube machines;~~

~~(b) Commercial refrigerators and freezers;~~

~~(c) State-regulated incandescent reflector lamps;~~

~~(d) Wine chillers designed and sold for use by an individual;~~

~~(e)~~)) Hot water dispensers and mini-tank electric water heaters;

((~~(f)~~)) (b) Bottle-type water dispensers and point-of-use water dispensers;

((~~(g) Pool heaters,~~)) (c) Residential pool pumps((~~,~~)) and portable electric spas;

((~~(h)~~)) (d) Tub spout diverters; ((~~and~~

~~(i)~~)) (e) Commercial hot food holding cabinets;

(f) Air compressors;

(g) Commercial fryers, commercial dishwashers, and commercial steam cookers;

(h) Computers and computer monitors;

(i) Faucets;

(j) High CRI fluorescent lamps;

(k) Portable air conditioners;

(l) Residential ventilating fans;

(m) Showerheads;

(n) Spray sprinkler bodies;

(o) Uninterruptible power supplies;

(p) Urinals and water closets;

(q) Water coolers;

(r) General service lamps; and

(s) Residential electric storage water heaters.

(2) This chapter applies equally to products whether they are sold, offered for sale, or installed as stand-alone products or as components of other products.

(3) This chapter does not apply to:

(a) New products manufactured in the state and sold outside the state;

(b) New products manufactured outside the state and sold at wholesale inside the state for final retail sale and installation outside the state;

(c) Products installed in mobile manufactured homes at the time of construction; or

(d) Products designed expressly for installation and use in recreational vehicles.

Sec. 4. RCW 19.260.040 and 2009 c 501 s 3 are each amended to read as follows:

The minimum efficiency standards specified in this section apply to the types of new products set forth in RCW 19.260.030.

(1)((~~(a) Automatic commercial ice cube machines must have daily energy use and daily water use no greater than the applicable values in the following table:~~

~~Equipment type~~	~~Type of cooling~~	~~Harvest rate (lbs. ice/24 hrs.)~~	~~Maximum energy use (kWh/100 lbs.)~~	~~Maximum condenser water use (gallons/100 lbs. ice)~~
~~Ice-making head~~	~~water~~	~~<500~~	~~7.80 - .0055H~~	~~200 - .022H~~
		~~>=500<1436~~	~~5.58 - .0011H~~	~~200 - .022H~~
		~~>=1436~~	~~4.0~~	~~200 - .022H~~
~~Ice-making head~~	~~air~~	~~450~~	~~10.26 - .0086H~~	~~Not applicable~~
		~~>=450~~	~~6.89 - .0011H~~	~~Not applicable~~
~~Remote condensing but not remote compressor~~	~~air~~	~~<1000~~	~~8.85 - .0038~~	~~Not applicable~~
		~~>=1000~~	~~5.10~~	~~Not applicable~~
~~Remote condensing and remote compressor~~	~~air~~	~~<934~~	~~8.85 - .0038H~~	~~Not applicable~~
		~~>=934~~	~~5.3~~	~~Not applicable~~
~~Self-contained models~~	~~water~~	~~<200~~	~~11.40 - .0190H~~	~~191 - .0315H~~
		~~>=200~~	~~7.60~~	~~191 - .0315H~~
~~Self-contained models~~	~~air~~	~~<175~~	~~18.0 - .0469H~~	~~Not applicable~~
		~~>=175~~	~~9.80~~	~~Not applicable~~

~~Where H= harvest rate in pounds per twenty-four hours which must be reported within 5% of the tested value. "Maximum water use" applies only to water used for the condenser.~~

~~(b) For purposes of this section, automatic commercial ice cube machines shall be tested in accordance with the ARI 810-2003 test method as published by the air-conditioning and refrigeration institute. Ice-making heads include all automatic commercial ice cube machines that are not split system ice makers or self-contained models as defined in ARI 810-2003.~~

~~(2)(a) Commercial refrigerators and freezers must meet the applicable requirements listed in the following table:~~

~~Equipment Type~~	~~Doors~~	~~Maximum Daily Energy Consumption (kWh)~~

~~Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are refrigerators~~	~~Solid~~	~~0.10V+ 2.04~~
	~~Transparent~~	~~0.12V+ 3.34~~
~~Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are "pulldown" refrigerators~~	~~Transparent~~	~~.126V+ 3.51~~
~~Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are freezers~~	~~Solid~~	~~0.40V+ 1.38~~
	~~Transparent~~	~~0.75V+ 4.10~~
~~Reach-in cabinets that are refrigerator-freezers with an AV of 5.19 or higher~~	~~Solid~~	~~0.27AV - 0.71~~

~~kWh= kilowatt-hours~~

~~V= total volume (ft^3)~~

~~AV= adjusted volume= [1.63 x freezer volume (ft^3)]+ refrigerator volume (ft^3)~~

~~(b) For purposes of this section, "pulldown" designates products designed to take a fully stocked refrigerator with beverages at 90 degrees Fahrenheit and cool those beverages to a stable temperature of 38 degrees Fahrenheit within 12 hours or less. Daily energy consumption shall be measured in accordance with the American national standards institute/American society of heating, refrigerating and air-conditioning engineers test method 117-2002, except that the back-loading doors of pass-through and roll-through refrigerators and freezers must remain closed throughout the test, and except that the controls of all appliances must be adjusted to obtain the following product temperatures.~~

~~Product or compartment type~~	~~Integrated average product temperature in degrees Fahrenheit~~
~~Refrigerator~~	~~38+ 2~~
~~Freezer~~	~~0+ 2~~

~~(3)(a) The lamp electrical power input of state-regulated incandescent reflector lamps shall meet the minimum average lamp efficacy requirements for federally regulated incandescent reflector lamps specified in 42 U.S.C. Sec. 6295(i)(l)(A)-(B).~~

~~(b) The following types of incandescent lamps are exempt from these requirements:~~

~~(i) Lamps rated at fifty watts or less of the following types: BR 30, ER 30, BR 40, and ER 40;~~

~~(ii) Lamps rated at sixty-five watts of the following types: BR 30, BR 40, and ER 40; and~~

~~(iii) R 20 lamps of forty-five watts or less.~~

~~(4)(a) Wine chillers designed and sold for use by an individual must meet requirements specified in the California Code of Regulations, Title 20, section 1605.3 in effect as of July 26, 2009.~~

~~(b) Wine chillers designed and sold for use by an individual shall be tested in accordance with the method specified in the California Code of Regulations, Title 20, section 1604 in effect as of July 26, 2009.~~

~~(5)~~))(a) The standby energy consumption of bottle-type water dispensers, and point-of-use water dispensers, dispensing both hot and cold water, manufactured on or after January 1, 2010, shall not exceed 1.2 kWh/day.

(b) The test method for water dispensers shall be the environmental protection agency energy star program requirements for bottled water coolers version 1.1.

((~~(6)~~)) (2)(a) The standby energy consumption of hot water dispensers and mini-tank electric water heaters manufactured on or after January 1, 2010, shall be not greater than 35 watts.

(b) This subsection does not apply to any water heater:

(i) That is within the scope of 42 U.S.C. Sec. 6292(a)(4) or 6311(1);

(ii) That has a rated storage volume of less than 20 gallons; and

(iii) For which there is no federal test method applicable to that type of water heater.

(c) Hot water dispensers shall be tested in accordance with the method specified in the California Code of Regulations, Title 20, section 1604 in effect as of July 26, 2009.

(d) Mini-tank electric water heaters shall be tested in accordance with the method specified in the California Code of Regulations, Title 20, section 1604 in effect as of July 26, 2009.

((~~(7)~~)) (3) The following standards are established for ((~~pool heaters,~~)) residential pool pumps((~~,~~)) and portable electric spas:

(a) ((~~Natural gas pool heaters shall not be equipped with constant burning pilots.~~

~~(b)~~)) Residential pool pumps ((~~motors~~)) manufactured on or after January 1, 2010, and until July 18, 2021, must meet requirements

specified in the California Code of Regulations, Title 20, section 1605.3 in effect as of July 26, 2009. Beginning July 19, 2021, residential pool pumps must meet requirements specified in the dedicated-purpose pool pump rule published by the United States department of energy on January 18, 2017, (82 Fed. Reg. 5650) and effective on May 18, 2017.

((~~(c)~~)) (b) Through December 31, 2019, portable electric spas manufactured on or after January 1, 2010, must meet requirements specified in the California Code of Regulations, Title 20, section 1605.3 in effect as of July 26, 2009. Beginning January 1, 2020, portable electric spas must meet the requirements of the American national standard for portable electric spa energy efficiency (ANSI/APSP/ICC-14 2014).

((~~(d)~~)) (c) Through December 31, 2019, portable electric spas must be tested in accordance with the method specified in the California Code of Regulations, Title 20, section 1604 in effect as of July 26, 2009. Beginning January 1, 2020, portable electric spas must be tested in accordance with the method specified in the American national standard for portable electric spa energy efficiency (ANSI/APSP/ICC-14 2014).

((~~(8)~~)) (4)(a) The leakage rate of tub spout diverters shall be no greater than the applicable requirements shown in the following table:

Appliance	Testing Conditions	Maximum Leakage Rate Effective January 1, 2009
Tub spout diverters	When new	0.01 gpm
	After 15,000 cycles of diverting	0.05 gpm

(b) Showerhead tub spout diverter combinations shall meet both the ((~~federal standard for showerheads established pursuant to 42 U.S.C. Sec. 6291 et seq.~~)) standard for showerheads specified in this section and the standard for tub spout diverters specified in this section.

((~~(9)~~)) (5)(a) The idle energy rate of commercial hot food holding cabinets manufactured on or after January 1, 2010, shall be no greater than 40 watts per cubic foot of measured interior volume.

(b) The idle energy rate of commercial hot food holding cabinets shall be determined using ANSI/ASTM ((~~F2140-01~~)) F2140-11 standard test method for the performance of hot food holding cabinets (test

for idle energy rate dry test). Commercial hot food holding cabinet interior volume shall be calculated using straight line segments following the gross interior dimensions of the appliance and using the following equation: Interior height x interior width x interior depth. Interior volume shall not account for racks, air plenums, or other interior parts.

(6) Commercial dishwashers included in the scope of the environmental protection agency energy star program product specification for commercial dishwashers, version 2.0, must meet the qualification criteria of that specification.

(7) Commercial fryers included in the scope of the environmental protection agency energy star program product specification for commercial fryers, version 2.0, must meet the qualification criteria for that specification.

(8) Commercial steam cookers must meet the requirements of the environmental protection agency energy star program product specification for commercial steam cookers, version 1.2.

(9) Computers and computer monitors must meet the requirements in the California Code of Regulations, Title 20, section 1605.3(v) as adopted on May 10, 2017, and amended on November 8, 2017, as measured in accordance with test methods prescribed in section 1604(v) of those regulations.

(10) Air compressors that meet the twelve criteria listed on page 350 to 351 of the "energy conservation standards for air compressors" final rule issued by the United States department of energy on December 5, 2016, must meet the requirements in table 1 on page 352 following the instructions on page 353 and as measured in accordance with the "uniform test method for certain air compressors" under 10 C.F.R. Part 431 (Appendix A to Subpart T) as in effect on July 3, 2017.

(11) Faucets, except for metering faucets, and showerheads must meet the following standards when measured in accordance with the test methods prescribed in 10 C.F.R. Sec. 430.23 (appendix S to subpart B of part 430) in effect as of January 3, 2017:

(a) Lavatory faucets and replacement aerators may not exceed a maximum flow rate of 1.2 gallons per minute at sixty pounds per square inch;

(b) Kitchen faucets and replacement aerators may not exceed a maximum flow rate of 1.8 gallons per minute at sixty pounds per square inch, with optional temporary flow of 2.2 gallons per minute,

provided the kitchen faucets and replacement aerators default to a maximum flow rate of 1.8 gallons per minute at sixty pounds per square inch after each use;

(c) Public lavatory faucets and replacement aerators may not exceed a maximum flow rate of 0.5 gallons per minute at sixty pounds per square inch; and

(d) Showerheads may not exceed a maximum flow rate of 1.8 gallons per minute at eighty pounds per square inch.

(12) High CRI fluorescent lamps must meet the requirements in 10 C.F.R. Sec. 430.32(n)(4) in effect as of January 3, 2017, as measured in accordance with the test methods prescribed in 10 C.F.R. Sec. 430.23 (appendix R to subpart B of part 430) in effect as of January 3, 2017.

(13) Portable air conditioners must have a combined energy efficiency ratio, as measured in accordance with the test methods prescribed in 10 C.F.R. Sec. 430.23 (appendix CC to subpart B of part 430) in effect as of January 3, 2017, that is greater than or equal to:

$$1.04 \times \frac{SACC}{(3.7117 \times SACC^{0.6384})}$$

where "SACC" is seasonally adjusted cooling capacity in Btu/h.

(14) Residential ventilating fans must meet the qualification criteria of the environmental protection agency energy star program product specification for residential ventilating fans, version 3.2.

(15) Spray sprinkler bodies that are not specifically excluded from the scope of the environmental protection agency water sense program product specification for spray sprinkler bodies, version 1.0, must include an integral pressure regulator and must meet the water efficiency and performance criteria and other requirements of that specification.

(16) Urinals and water closets must meet the requirements in the California Code of Regulations, Title 20, section 1605.3 in effect as of January 1, 2018, as measured in accordance with the test methods prescribed in the California Code of Regulations, Title 20, section 1604 in effect as of January 1, 2018.

(17) Uninterruptible power supplies that utilize a NEMA 1-15P or 5-15P input plug and have an AC output must have an average load adjusted efficiency that meets or exceeds the values shown on page 193 of the prepublication final rule "Energy Conservation Program:

Energy Conservation Standards for Uninterruptible Power Supplies" issued by the United States department of energy on December 28, 2016, as measured in accordance with test procedures prescribed in Appendix Y to Subpart B of Part 430 of Title 10 of the Code of Federal Regulations "Uniform Test Method for Measuring the Energy Consumption of Battery Chargers" in effect as of January 11, 2017.

(18) Water coolers included in the scope of the environmental protection agency energy star program product specification for water coolers, version 2.0, must have an on mode with no water draw energy consumption less than or equal to the following values as measured in accordance with the test requirements of that program:

(a) 0.16 kilowatt-hours per day for cold-only units and cook and cold units;

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

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

(19) General service lamps must meet or exceed a lamp efficacy of 45 lumens per watt, when tested in accordance with the applicable federal test procedures for general service lamps prescribed in 10 C.F.R. Sec. 430.23 in effect as of January 3, 2017.

(20) All residential electric storage water heaters must be grid-response capable by having a modular demand response communications port compliant with: (a) The March 2018 version of the ANSI/CTA-2045-A communication interface standard, or equivalent; and (b) the March 2018 version of the ANSI/CTA-2045-A application layer requirements.

Sec. 5. RCW 19.260.050 and 2009 c 501 s 4 are each amended to read as follows:

(1) ((~~No new commercial refrigerator or freezer or state-regulated incandescent reflector lamp manufactured on or after January 1, 2007, may be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040. No new automatic commercial ice cube machine manufactured on or after January 1, 2008, may be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040.~~

~~(2) On or after January 1, 2008, no new commercial refrigerator or freezer or state-regulated incandescent reflector lamp~~

~~manufactured on or after January 1, 2007, may be installed for compensation in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040. On or after January 1, 2009, no new automatic commercial ice cube machine manufactured on or after January 1, 2008, may be installed for compensation in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040.~~

~~(3) Standards for state-regulated incandescent reflector lamps are effective on the dates specified in subsections (1) and (2) of this section.~~

~~(4)~~)) The following products, if manufactured on or after January 1, 2010, may not be sold or offered in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040:

(a) ((~~Wine chillers designed and sold for use by an individual;~~

~~(b)~~)) Hot water dispensers and mini-tank electric water heaters;

((~~(c)~~)) (b) Bottle-type water dispensers and point-of-use water dispensers;

((~~(d) Pool heaters,~~)) (c) Residential pool pumps((~~,~~)) and portable electric spas;

((~~(e)~~)) (d) Tub spout diverters; and

((~~(f)~~)) (e) Commercial hot food holding cabinets.

((~~(5)~~)) (2) The following products, if manufactured on or after January 1, 2010, may not be installed for compensation in the state on or after January 1, 2011, unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040:

(a) ((~~Wine chillers designed and sold for use by an individual;~~

~~(b)~~)) Hot water dispensers and mini-tank electric water heaters;

((~~(c)~~)) (b) Bottle-type water dispensers and point-of-use water dispensers;

((~~(d) Pool heaters,~~)) (c) Residential pool pumps((~~,~~)) and portable electric spas;

((~~(e)~~)) (d) Tub spout diverters; and

((~~(f)~~)) (e) Commercial hot food holding cabinets.

(3) The following products, if manufactured on or after January 1, 2021, may not be sold or offered for sale, lease, or rent in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040:

(a) Commercial dishwashers;

(b) Commercial fryers;

(c) Commercial steam cookers;

(d) Computers or computer monitors;

(e) Faucets;

(f) High CRI fluorescent lamps;

(g) Residential ventilating fans;

(h) Spray sprinkler bodies;

(i) Showerheads;

(j) Uninterruptible power supplies;

(k) Urinals and water closets;

(l) Water coolers; and

(m) Residential electric storage water heater.

(4) Standards for the following products expire January 1, 2020:

(a) Hot water dispensers; and

(b) Bottle-type water dispensers and point-of-use water dispensers.

(5) A new air compressor manufactured on or after January 1, 2022, may not be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040.

(6) A new portable air conditioner manufactured on or after February 1, 2022, may not be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040.

(7) New general service lamps manufactured on or after January 1, 2020, may not be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040.

Sec. 6. RCW 19.260.060 and 2005 c 298 s 6 are each amended to read as follows:

(1) The department may adopt rules that incorporate by reference federal efficiency standards for federally covered products only as the standards existed on January 1, 2018. The department, in consultation with the office of the attorney general, must regularly submit a report to the appropriate committees of the legislature on federal standards that preempt the state standards set forth in RCW 19.260.040. Any report on federal preemption must be transmitted at

least thirty days before the start of any regular legislative session.

(2) The department may recommend updates to the energy efficiency standards and test methods for products listed in RCW 19.260.030. The department may also recommend establishing state standards for additional nonfederally covered products. In making its recommendations, the department shall use the following criteria: ((~~(1)~~)) (a) Multiple manufacturers produce products that meet the proposed standard at the time of recommendation((~~, (2)~~)); (b) products meeting the proposed standard are available at the time of recommendation((~~, (3)~~)); (c) the products are cost-effective to consumers on a life-cycle cost basis using average Washington resource rates((~~, (4)~~)); (d) the utility of the energy efficient product meets or exceeds the utility of the comparable product available for purchase((~~,~~)); and ((~~(5)~~)) (e) the standard exists in at least two other states in the United States. For recommendations concerning commercial clothes washers, the department must also consider the fiscal effects on the low-income, elderly, and student populations. Any recommendations shall be transmitted to the appropriate committees of the legislature sixty days before the start of any regular legislative session.

Sec. 7. RCW 19.260.070 and 2005 c 298 s 7 are each amended to read as follows:

(1) The manufacturers of products covered by this chapter must test samples of their products in accordance with the test procedures under this chapter or those specified in the state building code.

(2) Manufacturers of new products covered by RCW 19.260.030((~~, except for single-voltage external AC to DC power supplies,~~)) shall certify to the department that the products are in compliance with this chapter. This certification must be based on test results unless this chapter does not specify a test method. The department shall establish rules governing the certification of these products and may ((~~coordinate with~~)) rely on the certification programs of other states and federal agencies with similar standards.

(3) Manufacturers of new products covered by RCW 19.260.030 shall identify each product offered for sale or installation in the state as in compliance with this chapter by means of a mark, label, or tag on the product and packaging at the time of sale or installation. The department shall establish rules governing the identification of

these products and packaging, which shall be coordinated to the greatest practical extent with the labeling programs of other states and federal agencies with equivalent efficiency standards.

(4) The department may test products covered by RCW 19.260.030 and may rely on the results of product testing performed by or on behalf of other governmental jurisdictions with comparable standards. If products so tested are found not to be in compliance with the minimum efficiency standards established under RCW 19.260.040, the department shall: (a) Charge the manufacturer of the product for the cost of product purchase and testing; and (b) make information available to the public on products found not to be in compliance with the standards.

(5) The department shall obtain ((~~in paper form~~)) the test methods specified in RCW 19.260.040, which shall be available for public use at the department's energy policy offices.

(6) The department ((~~shall~~)) may investigate complaints received concerning violations of this chapter. Any manufacturer or distributor who violates this chapter shall be issued a warning by the director of the department for any first violation. Repeat violations are subject to a civil penalty of not more than two hundred fifty dollars a day. Penalties assessed under this subsection are in addition to costs assessed under subsection (4) of this section.

(7) The department may adopt rules as necessary to ensure the proper implementation and enforcement of this chapter.

(8) The proceedings relating to this chapter are governed by the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. **Sec. 8.** RCW 19.27.170 (Water conservation performance standards—Testing and identifying fixtures that meet standards—Marking and labeling fixtures) and 1991 c 347 s 16 & 1989 c 348 s 8 are each repealed.

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