

SENATE BILL REPORT

ESHB 1619

As Passed Senate, March 1, 2022

Title: An act relating to appliance efficiency standards.

Brief Description: Concerning appliance efficiency standards.

Sponsors: House Committee on Environment & Energy (originally sponsored by Representatives Fitzgibbon, Hackney, Ryu, Berry, Wicks, Duerr, Ramel, Valdez, Fey, Goodman, Gregerson, Macri, Simmons, Kloba, Pollet, Riccelli, Ormsby and Harris-Talley).

Brief History: Passed House: 2/10/22, 56-39.

Committee Activity: Environment, Energy & Technology: 2/16/22, 2/22/22 [DP, DNP].

Floor Activity: Passed Senate: 3/1/22, 28-21.

Brief Summary of Bill

- Removes state efficiency standards for uninterruptible power supplies and pool pumps.
- Establishes energy efficiency standards for air purifiers, commercial ovens, and electric vehicle supply equipment that take effect January 1, 2024.
- Revises the requirements and testing standards for portable electric spas and the qualification criteria for commercial hot food holding cabinets and residential ventilating fans.
- Authorizes the Department of Commerce to establish a later effective date or suspend enforcement of any requirement if such delay or suspension is in the public interest.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Majority Report: Do pass.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Signed by Senators Carlyle, Chair; Lovelett, Vice Chair; Das, Liias, Lovick, Nguyen, Stanford and Wellman.

Minority Report: Do not pass.

Signed by Senators Short, Ranking Member; Brown, Fortunato and Schoesler.

Staff: Angela Kleis (786-7469)

Background: Federal Appliance Efficiency and Testing Standards. Federal law generally allows states to establish minimum efficiency and testing standards for products that are not covered by federal appliance efficiency regulations. Once a federal efficiency standard is established for a given appliance, it will preempt existing state standards unless the state is granted a waiver of federal preemption. Federal efficiency and testing standards have been established for several categories of appliances, including:

- automatic commercial ice makers;
- commercial refrigeration and freezing equipment;
- wine chillers;
- residential pool pumps—new standard took effect July 19, 2021; and
- uninterruptible power supplies—new standard took effect January 10, 2022.

Energy Star Program. Energy Star is a joint program between the Environmental Protection Agency (EPA) and the U.S. Department of Energy. The Energy Star Program (Program) sets specifications, testing procedures, and verification testing requirements for various consumer appliances, electronics, and commercial equipment. The Energy Star label identifies top-performing, cost-effective products, homes, and buildings.

State Appliance Efficiency and Testing Standards. Washington law sets minimum efficiency and testing standards for several categories of products sold, offered for sale, or installed in the state including uninterruptible power supplies and residential pool pumps.

The Department of Commerce (Commerce) may:

- recommend updates to the efficiency and testing standards for certain products;
- recommend establishing state standards for additional non-federally covered appliances; or
- adopt by rule a more recent version of any standard or test method, including any product definition associated with the standard or test method, in order to maintain or improve consistency with other comparable standards in other states.

Summary of Bill: Repeal of Federally Preempted State Efficiency and Testing Standards. The state efficiency and testing standards for uninterruptible power supplies and residential pool pumps are repealed.

Existing State Efficiency and Testing Standards. State standards are amended as follows:

- beginning January 1, 2024, portable electric spas must meet the requirements in, and

be tested in accordance with, specified California regulations in effect January 1, 2022;

- beginning January 1, 2024, residential ventilating fans must meet the qualification criteria of the Program specifications; and
- beginning as of the effective date of this act, commercial hot food holding cabinets must meet the qualification criteria of the Program specifications.

Beginning January 1, 2024, the definition of residential ventilating fans is amended to mean a fan whose purpose is to actively supply air to or remove air from the inside of a residence, excluding kitchen range hoods. Residential ventilating fans may also be designed to filter incoming air.

New State Efficiency and Testing Standards. Certain air purifiers, commercial ovens, and electric vehicle supply equipment must meet specified Program requirements. Beginning January 1, 2024, these products 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 newly established state efficiency and testing standards.

Rulemaking. Commerce may by rule establish a later effective date or suspend enforcement of any requirements if it determines that such delay or suspension is in the public interest.

Miscellaneous. A severability clause is included.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony: PRO: In general, state efficiency standards inform federal efficiency standards. Efficiency standards provide energy savings, renter protections, consumer savings, reduction in pollution, and cumulative savings for the state. All standards have undergone federal review. Other states have adopted these standards and Washington should continue being a leader.

CON: We oppose the inclusion of air purifiers because the Department of Energy has issued rulemaking on these products. The standards for air purifiers in the bill are more stringent than other states, which only require testing per the Program.

OTHER: Due to current supply chain issues and regulatory requirements imposed in some areas of the state, grocers are concerned about access to products that meet the standards of the bill. Commerce's flexibility to determine enforcement is key.

Persons Testifying: PRO: Liz Reichart, WA Department of Commerce; Brian Fadie, Appliance Standards Awareness Project; Amy Wheelless, NW Energy Coalition; Martin Gibbins, League of Women Voters of Washington.

CON: Jacob Cassady, Association of Home Appliance Manufacturers (AHAM).

OTHER: Carolyn Logue, Washington Food Industry Association.

Persons Signed In To Testify But Not Testifying: No one.