

**RCW 19.260.060 Department—Authority to adopt rules that reference federal standards—Recommended updates to standards. (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: (a) Multiple manufacturers produce products that meet the proposed standard at the time of recommendation; (b) products meeting the proposed standard are available at the time of recommendation; (c) the products are cost-effective to consumers on a life-cycle cost basis using average Washington resource rates; (d) the utility of the energy efficient product meets or exceeds the utility of the comparable product available for purchase; and (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. [2019 c 286 § 7; 2005 c 298 § 6.]