

WSR 22-23-029

PROPOSED RULES

DEPARTMENT OF COMMERCE

[Filed November 7, 2022, 12:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-17-100.

Title of Rule and Other Identifying Information: The proposed rules to update definitions in WAC 194-24-30 and add new rules, as required by ESHB 1619 (2022 regular session).

Hearing Location(s): On December 27, 2022, at 10:00 a.m., virtual. Remote testimony will be accepted.

Date of Intended Adoption: January 31, 2023.

Submit Written Comments to: Liz Reichart, Washington Department of Commerce, 1011 Plum Street S.E., P.O. Box 42525, Olympia, WA 98504, email appliances@commerce.wa.gov, by January 2, 2023.

Assistance for Persons with Disabilities: Contact Liz Reichart, email appliances@commerce.wa.gov, by January 2, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal updates chapter 194-24 WAC and includes seven product standards, four new standards, and three existing standards. It also eliminates two standards which have been federally preempted. Most standards take effect on January 1, 2024. The effective dates of standards in this legislation are based on date of manufacture, not the date of sale. Products already in stores or warehouses may be installed after the new standards take effect. The standards apply to manufacturers, distributors, retailers, and installers, rather than to individual consumers.

Reasons Supporting Proposal: These proposed rules implement statutory changes to our existing state standards. These new and updated standards represent a cost-effective strategy to protect consumers and businesses and strengthen the state's economy.

Statutory Authority for Adoption: RCW 19.260.070.

Statute Being Implemented: Chapter 19.260 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington department of commerce, public.

Name of Agency Personnel Responsible for Drafting: Liz Reichart, 1011 Plum Street S.E., P.O. Box 42525, Olympia, WA 98504, 360-515-8194; Implementation and Enforcement: Washington Department of Commerce, 1011 Plum Street S.E., P.O. Box 42525, Olympia, WA 98504, 360-407-6000.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The department of commerce is not a listed agency in RCW 34.05.328.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The rules implement statutory requirements and do not impose costs beyond what is required to comply with the statute. According to the appliance standards awareness project, these products represent a net cost savings of nearly \$52 million to consumers and businesses in Washington in the first 15 years of being enacted.

November 4, 2022
Amanda Hathaway
Rules Coordinator

OTS-4141.1

AMENDATORY SECTION (Amending WSR 22-09-015, filed 4/11/22, effective 5/12/22)

WAC 194-24-030 Definitions. The definitions in chapter 19.260 RCW apply throughout this chapter.

(1) The following terms have the same meaning as used in the California Rule:

- (a) Showerheads;
- (b) Tub spout diverters;
- (c) Showerhead tub spout diverter combinations;
- (d) Lavatory faucets and replacement aerators;
- (e) Kitchen faucets and replacement aerators;
- (f) Public lavatory faucets and replacement aerators;
- (g) Urinals;
- (h) Water closets; ((and))
- (i) Computers and computer monitors; and
- (j) Portable electric spas.

(2) "California Rule" means Title 20, Article 4, California Code of Regulations, in effect on December 9, 2021.

(3) "MAEDbS" means the modernized appliance efficiency database system established pursuant to section 1606(c) of the California Rule and maintained by the California energy commission.

(4) "Distribute" means to import, consign, buy or sell for resale, offer for sale, sell, barter, exchange, install for compensation or otherwise supply a product subject to the standards in this chapter or chapter 19.260 RCW.

(5) "Distributor" means a person who distributes.

(6) "Manufacturer" has the same meaning as used in the California Rule.

[Statutory Authority: RCW 19.260.070 and 19.260.040. WSR 22-09-015, § 194-24-030, filed 4/11/22, effective 5/12/22; WSR 20-21-083, § 194-24-030, filed 10/19/20, effective 11/19/20. Statutory Authority: RCW 19.260.070. WSR 20-03-013, § 194-24-030, filed 1/6/20, effective 2/6/20. Statutory Authority: Chapter 19.260 RCW. WSR 07-14-092, § 194-24-030, filed 6/29/07, effective 7/30/07.]

AMENDATORY SECTION (Amending WSR 20-03-013, filed 1/6/20, effective 2/6/20)

WAC 194-24-105 Portable electric spas. (1) **Scope.** This rule applies to new portable electric spas manufactured on or after January 1, ~~((2010, and installed for compensation in the state on or after January 1, 2011))~~ 2024.

(2) **Standard.** Portable electric spas must meet the requirements ~~((of the American National Standard for portable electric spa energy efficiency (ANSI/APSP/ICC-14 2014))~~ specified in section 1605.3 of the California Rule.

(3) **Testing.** 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))~~ 2019).

(4) **Listing.** Each manufacturer must cause to be listed each portable electric spa, by model number, in MAEDbS.

(5) **Marking.** Every unit of every portable electric spa must comply with the requirements of section 1607 of the California Rule.

[Statutory Authority: RCW 19.260.070. WSR 20-03-013, § 194-24-105, filed 1/6/20, effective 2/6/20.]

AMENDATORY SECTION (Amending WSR 20-03-013, filed 1/6/20, effective 2/6/20)

WAC 194-24-115 Commercial hot food holding cabinets. (1) **Scope.** This rule applies to new commercial hot food holding cabinets manufactured on or after January 1, 2010, and installed for compensation in the state on or after January 1, 2011.

(2) **Standard.** ~~((The idle energy rate of commercial hot food holding cabinets shall be no greater than 40 watts per cubic foot of measured interior volume.))~~ Commercial hot food holding cabinets must meet the requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for commercial hot food holding cabinets, version 2.0.

(3) **Testing.** The idle energy rate of commercial hot food holding cabinets shall be determined using ANSI/ASTM 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 × interior width × interior depth. Interior volume shall not account for racks, air plenums, or other interior parts.))~~

(4) **Listing.** Each manufacturer must cause to be listed each commercial hot food holding cabinet, by model number, in MAEDbS.

(5) **Marking.** Every unit of every commercial hot food holding cabinet must comply with the requirements of section 1607 of the California Rule.

[Statutory Authority: RCW 19.260.070. WSR 20-03-013, § 194-24-115, filed 1/6/20, effective 2/6/20.]

NEW SECTION

WAC 194-24-127 Commercial ovens. (1) **Scope.** This rule applies to new commercial ovens manufactured on or after January 1, 2024.

(2) **Standard.** Commercial ovens must meet the requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for commercial ovens, version 2.2.

(3) **Testing.** Commercial ovens must meet the testing requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for commercial ovens, version 2.2.

(4) **Listing.** Each manufacturer must cause to be listed each commercial oven, by model number, in the ENERGY STAR® product database.

(5) **Marking.** Every unit of every commercial oven must have an ENERGY STAR® label.

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AMENDATORY SECTION (Amending WSR 20-21-083, filed 10/19/20, effective 11/19/20)

WAC 194-24-150 Residential ventilating fans manufactured before January 1, 2024. (1) **Scope.** This rule applies to new residential ventilating fans manufactured (~~on or after~~) between January 1, 2021, and December 31, 2023.

(2) **Standard.** Residential ventilating fans must meet the requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for residential ventilating fans, version 3.2.

(3) **Testing.** Residential ventilating fans must meet the testing requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for residential ventilating fans, version 3.2.

(4) **Listing.** There is no listing requirement for this product.

(5) **Marking.** There is no marking requirement for this product.

[Statutory Authority: RCW 19.260.070 and 19.260.040. WSR 20-21-083, § 194-24-150, filed 10/19/20, effective 11/19/20. Statutory Authority: RCW 19.260.070. WSR 20-03-013, § 194-24-150, filed 1/6/20, effective 2/6/20.]

NEW SECTION

WAC 194-24-151 Residential ventilating fans manufactured on or after January 1, 2024. (1) **Scope.** This rule applies to new residential ventilating fans manufactured on or after January 1, 2024.

(2) **Standard.** Residential ventilating fans must meet the requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for residential ventilating fans, version 4.1.

(3) **Testing.** Residential ventilating fans must meet the testing requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for residential ventilating fans, version 4.1.

(4) **Listing.** Each manufacturer must cause to be listed each residential ventilating fan, by model number, in the ENERGY STAR® product database.

(5) **Marking.** Every unit of every residential ventilating fan must have an ENERGY STAR® label.

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NEW SECTION

WAC 194-24-187 Air purifiers. (1) **Scope.** This rule applies to new air purifiers and room cleaners manufactured on or after January 1, 2024.

(2) **Standard.** Air purifiers must meet the requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for room air cleaners, version 2.0.

(3) **Testing.** Air purifiers must meet the testing requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for room air cleaners, version 2.0.

(4) **Listing.** Each manufacturer must cause to be listed each air purifier, by model number, in the ENERGY STAR® product database.

(5) **Marking.** Every unit of every air purifier must have an ENERGY STAR® label.

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NEW SECTION

WAC 194-24-200 Electric vehicle supply equipment. (1) **Scope.** This rule applies to new electric vehicle supply equipment manufactured on or after January 1, 2024.

(2) **Standard.** Electric vehicle supply equipment must meet the requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for electric vehicle supply equipment, version 1.0.

(3) **Testing.** Electric vehicle supply equipment must meet the testing requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for electric vehicle supply equipment, version 1.0.

(4) **Listing.** Each manufacturer must cause to be listed each electric vehicle supply equipment, by model number, in the ENERGY STAR® product database.

(5) **Marking.** Every unit of every electric vehicle supply equipment must have an ENERGY STAR® label.

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REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 194-24-100 Residential pool pumps.

WAC 194-24-195 Uninterruptible power supplies.