

WSR 23-07-050

PERMANENT RULES

DEPARTMENT OF COMMERCE

[Filed March 9, 2023, 8:48 a.m., effective April 9, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order implements the new and updated appliance standards as required by ESHB 1619 (Laws of 2022). This law adds energy efficiency standards to three new product categories, updates the efficiency standard for three existing product categories, and repeals two standards from rule which have been federally pre-empted.

Citation of Rules Affected by this Order: New WAC 194-24-127, 194-24-151, 194-24-187 and 194-24-200; repealing WAC 194-24-100 and 194-24-195; and amending WAC 194-24-030, 194-24-105, 194-24-115, and 194-24-150.

Statutory Authority for Adoption: RCW 19.260.070, 19.260.040, 19.260.080.

Adopted under notice filed as WSR 22-23-029 on November 7, 2022.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, Amended 4, Repealed 2.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 9, 2023.

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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 re-sale, 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 meas-~~

~~ured 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.