

2SHB 1444 - S COMM AMD
By Committee on Ways & Means

ADOPTED 04/15/2019

1 Strike everything after the enacting clause and insert the
2 following:

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

5 The legislature finds that appliance standards and design
6 requirements:

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

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

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

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

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

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

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

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

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

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

14 ~~((3))~~ (2) "Commercial hot food holding cabinet" means a heated,
15 fully enclosed compartment, with one or more solid or partial glass
16 doors, that is designed to maintain the temperature of hot food that
17 has been cooked in a separate appliance. "Commercial hot food holding
18 cabinet" does not include heated glass merchandising cabinets, drawer
19 warmers, or cook and hold appliances.

20 ~~((4) (a) "Commercial refrigerators and freezers" means~~
21 ~~refrigerators, freezers, or refrigerator-freezers designed for use by~~
22 ~~commercial or institutional facilities for the purpose of storing or~~
23 ~~merchandising food products, beverages, or ice at specified~~
24 ~~temperatures that: (i) Incorporate most components involved in the~~
25 ~~vapor-compression cycle and the refrigerated compartment in a single~~
26 ~~cabinet; and (ii) may be configured with either solid or transparent~~
27 ~~doors as a reach-in cabinet, pass-through cabinet, roll-in cabinet,~~
28 ~~or roll-through cabinet.~~

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

34 ~~(5))~~ (3) "Compensation" means money or any other valuable thing,
35 regardless of form, received or to be received by a person for
36 services rendered.

37 ~~((6))~~ (4) "Cook and hold appliance" means a multiple mode
38 appliance intended for cooking food that may be used to hold the
39 temperature of the food that has been cooked in the same appliance.

1 ~~((7))~~ (5) "Department" means the department of commerce.

2 ~~((8))~~ (6) "Drawer warmer" means an appliance that consists of
3 one or more heated drawers and that is designed to hold hot food that
4 has been cooked in a separate appliance at a specified temperature.

5 ~~((9))~~ (7) "Heated glass merchandising cabinet" means an
6 appliance with a heated cabinet constructed of glass or clear plastic
7 doors which, with seventy percent or more clear area, is designed to
8 display and maintain the temperature of hot food that has been cooked
9 in a separate appliance.

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

13 ~~((11))~~ (9) "Mini-tank electric water heater" means a small
14 electric water heater that has a measured storage volume of more than
15 one gallon and a rated storage volume of less than twenty gallons.

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

19 ~~(13))~~ (10) "Point-of-use water dispenser" means a water
20 dispenser that uses a pressurized water utility connection as the
21 source of potable water.

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

25 ~~(15))~~ (11) "Portable electric spa" means a factory-built
26 electric spa or hot tub, ~~((supplied with equipment for heating and
27 circulating water))~~ which may or may not include any combination of
28 integral controls, water heating, or water circulating equipment.

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

32 ~~(17))~~ (12) "Residential pool pump" means a pump used to
33 circulate and filter pool water in order to maintain clarity and
34 sanitation.

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

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

1 ~~(19) "Showerhead" means a device through which water is~~
2 ~~discharged for a shower bath.~~

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

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

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

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

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

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

22 (13) "Commercial dishwasher" means a machine designed to clean
23 and sanitize plates, pots, pans, glasses, cups, bowls, utensils, and
24 trays by applying sprays of detergent solution, with or without
25 blasting media granules, and a sanitizing rinse.

26 (14) "Commercial fryer" means an appliance, including a cooking
27 vessel, in which oil is placed to such a depth that the cooking food
28 is supported by displacement of the cooking fluid rather than by the
29 bottom of the vessel. Heat is delivered to the cooking fluid by means
30 of an immersed electric element of band-wrapped vessel (electric
31 fryers) or by heat transfer from gas burners through either the walls
32 of the fryer or through tubes passing through the cooking fluid (gas
33 fryers).

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

39 (16) "Air compressor" means a compressor designed to compress air
40 that has an inlet open to the atmosphere or other source of air and

1 is made up of a compression element (bare compressor), a driver or
2 drivers, mechanical equipment to drive the compressor element, and
3 any ancillary equipment.

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

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

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

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

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

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

31 (23) "Spray sprinkler body" means the exterior case or shell of a
32 sprinkler incorporating a means of connection to the piping system
33 designed to convey water to a nozzle or orifice.

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

38 (25) "Water cooler" means a freestanding device that consumes
39 energy to cool or heat potable water, including cold only units, hot

1 and cold units, cook and cold units, storage-type units, and on-
2 demand units.

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

6 (27) "ANSI" means the American national standards institute.

7 (28) "CTA" means the consumer technology association.

8 (29) "Electric storage water heater" means a consumer product
9 that uses electricity as the energy source to heat domestic potable
10 water, has a nameplate input rating of twelve kilowatts or less,
11 contains nominally forty gallons but no more than one hundred twenty
12 gallons of rated hot water storage volume, and supplies a maximum hot
13 water delivery temperature less than one hundred eighty degrees
14 fahrenheit.

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

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

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

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

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

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

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

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

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

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

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

30 (f) Air compressors;

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

33 (h) Computers and computer monitors;

34 (i) Faucets;

35 (j) High CRI fluorescent lamps;

36 (k) Portable air conditioners;

37 (l) Residential ventilating fans;

38 (m) Showerheads;

39 (n) Spray sprinkler bodies;

- 1 (o) Uninterruptible power supplies;
- 2 (p) Urinals and water closets;
- 3 (q) Water coolers;
- 4 (r) General service lamps; and
- 5 (s) Electric storage water heaters.

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

9 (3) This chapter does not apply to:

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

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

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

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

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

21 Except as provided in subsection (1) of this section, the minimum
 22 efficiency standards specified in this section apply to the types of
 23 new products set forth in RCW 19.260.030 as of the effective dates
 24 set forth in RCW 19.260.050.

25 ~~(1) ((a) Automatic commercial ice cube machines must have daily~~
 26 ~~energy use and daily water use no greater than the applicable values~~
 27 ~~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

1	Remote condensing but not remote compressor	air	<1000	8.85-.0038	Not applicable
2			≥1000	5.10	Not applicable
3	Remote condensing and remote compressor	air	<934	8.85-.0038H	Not applicable
4			≥934	5.3	Not applicable
5	Self-contained models	water	<200	11.40-.0190H	191-.0315H
6			≥200	7.60	191-.0315H
7	Self-contained models	air	<175	18.0-.0469H	Not applicable
8			≥175	9.80	Not applicable

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

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

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

21	Equipment Type	Doors	Maximum Daily Energy Consumption (kWh)
22	Reach-in cabinets, pass-through cabinets, and roll- in or roll-through cabinets that are refrigerators	Solid	0.10V+ 2.04
23		Transparent	0.12V+ 3.34
24	Reach-in cabinets, pass-through cabinets, and roll- in or roll-through cabinets that are "pulldown" refrigerators	Transparent	.126V+ 3.51
25	Reach-in cabinets, pass-through cabinets, and roll- in or roll-through cabinets that are freezers	Solid	0.40V+ 1.38
26		Transparent	0.75V+ 4.10
27	Reach-in cabinets that are refrigerator-freezers with an AV of 5.19 or higher	Solid	0.27AV - 0.71

1 kWh= kilowatt-hours

2 V= total volume (ft³)

3 AV= adjusted volume= [1.63 x freezer volume (ft³)]+ refrigerator volume (ft³)

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

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

18 ~~(3) (a) The lamp electrical power input of state-regulated~~
19 ~~incandescent reflector lamps shall meet the minimum average lamp~~
20 ~~efficacy requirements for federally regulated incandescent reflector~~
21 ~~lamps specified in 42 U.S.C. Sec. 6295(i) (1) (A)–(B).~~

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

24 ~~(i) Lamps rated at fifty watts or less of the following types: BR~~
25 ~~30, ER 30, BR 40, and ER 40;~~

26 ~~(ii) Lamps rated at sixty five watts of the following types: BR~~
27 ~~30, BR 40, and ER 40; and~~

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

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

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

36 ~~(5)) The department may adopt by rule a more recent version of~~
37 ~~any standard or test method established in this section, including~~

1 any product definition associated with the standard or test method,
2 in order to maintain or improve consistency with other comparable
3 standards in other states.

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

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

11 ~~((6))~~ (3)(a) The standby energy consumption of hot water
12 dispensers and mini-tank electric water heaters manufactured on or
13 after January 1, 2010, shall be not greater than 35 watts.

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

15 (i) That is within the scope of 42 U.S.C. Sec. 6292(a)(4) or
16 6311(1);

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

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

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

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

26 ~~((7))~~ (4) The following standards are established for ~~((pool~~
27 ~~heaters,))~~ residential pool pumps~~((,))~~ and portable electric spas:

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

30 ~~((b))~~ Residential pool pumps ~~((motors))~~ manufactured on or after
31 January 1, 2010, and until July 18, 2021, must meet requirements
32 specified in the California Code of Regulations, Title 20, section
33 1605.3 in effect as of July 26, 2009. Beginning July 19, 2021,
34 residential pool pumps must meet requirements specified in the
35 dedicated-purpose pool pump rule published by the United States
36 department of energy on January 18, 2017, (82 Fed. Reg. 5650) and
37 effective on May 18, 2017.

38 ~~((e))~~ (b) Through December 31, 2019, portable electric spas
39 manufactured on or after January 1, 2010, must meet requirements
40 specified in the California Code of Regulations, Title 20, section

1 1605.3 in effect as of July 26, 2009. Beginning January 1, 2020,
2 portable electric spas must meet the requirements of the American
3 national standard for portable electric spa energy efficiency (ANSI/
4 APSP/ICC-14 2014).

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

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

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

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

23 ~~(9))~~ (5) (a) The idle energy rate of commercial hot food holding
24 cabinets manufactured on or after January 1, 2010, shall be no
25 greater than 40 watts per cubic foot of measured interior volume.

26 (b) The idle energy rate of commercial hot food holding cabinets
27 shall be determined using ANSI/ASTM ~~((F2140-01))~~ F2140-11 standard
28 test method for the performance of hot food holding cabinets (test
29 for idle energy rate dry test). Commercial hot food holding cabinet
30 interior volume shall be calculated using straight line segments
31 following the gross interior dimensions of the appliance and using
32 the following equation: Interior height x interior width x interior
33 depth. Interior volume shall not account for racks, air plenums, or
34 other interior parts.

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

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

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

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

13 (10) Air compressors that meet the twelve criteria listed on page
14 350 to 351 of the "energy conservation standards for air compressors"
15 final rule issued by the United States department of energy on
16 December 5, 2016, must meet the requirements in table 1 on page 352
17 following the instructions on page 353 and as measured in accordance
18 with the "uniform test method for certain air compressors" under 10
19 C.F.R. Part 431 (Appendix A to Subpart T) as in effect on July 3,
20 2017.

21 (11) High CRI fluorescent lamps must meet the requirements in 10
22 C.F.R. Sec. 430.32(n)(4) in effect as of January 3, 2017, as measured
23 in accordance with the test methods prescribed in 10 C.F.R. Sec.
24 430.23 (appendix R to subpart B of part 430) in effect as of January
25 3, 2017.

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

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

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

32
33 (13) Residential ventilating fans must meet the qualification
34 criteria of the environmental protection agency energy star program
35 product specification for residential ventilating fans, version 3.2.
36

37 (14) Spray sprinkler bodies that are not specifically excluded
38 from the scope of the environmental protection agency water sense
39 program product specification for spray sprinkler bodies, version

1 1.0, must include an integral pressure regulator and must meet the
2 water efficiency and performance criteria and other requirements of
3 that specification.

4 (15) The following products that are within the scope and
5 definition of the applicable regulation must meet the requirements in
6 the California Code of Regulations, Title 20, section 1605.3 in
7 effect as of January 1, 2018, as measured in accordance with the test
8 methods prescribed in the California Code of Regulations, Title 20,
9 section 1604 in effect as of January 1, 2018:

10 (a) Showerheads;

11 (b) Tub spout diverters;

12 (c) Showerhead tub spout diverter combinations;

13 (d) Lavatory faucets and replacement aerators;

14 (e) Kitchen faucets and replacement aerators;

15 (f) Public lavatory faucets and replacement aerators;

16 (g) Urinals; and

17 (h) Water closets.

18 (16) Uninterruptible power supplies that utilize a NEMA 1-15P or
19 5-15P input plug and have an AC output must have an average load
20 adjusted efficiency that meets or exceeds the values shown on page
21 193 of the prepublication final rule "Energy Conservation Program:
22 Energy Conservation Standards for Uninterruptible Power Supplies"
23 issued by the United States department of energy on December 28,
24 2016, as measured in accordance with test procedures prescribed in
25 Appendix Y to Subpart B of Part 430 of Title 10 of the Code of
26 Federal Regulations "Uniform Test Method for Measuring the Energy
27 Consumption of Battery Chargers" in effect as of January 11, 2017.

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

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

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

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

38 (18) General service lamps must meet or exceed a lamp efficacy of
39 45 lumens per watt, when tested in accordance with the applicable

1 federal test procedures for general service lamps prescribed in 10
2 C.F.R. Sec. 430.23 in effect as of January 3, 2017.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 19.260
4 RCW to read as follows:

5 (1) An electric storage water heater, if manufactured on or after
6 January 1, 2021, may not be installed, sold, or offered for sale,
7 lease, or rent in the state unless it complies with the following
8 design requirement:

9 (a) The product must have a modular demand response
10 communications port compliant with: (i) The March 2018 version of the
11 ANSI/CTA-2045-A communication interface standard, or equivalent and
12 (ii) the March 2018 version of the ANSI/CTA-2045-A application layer
13 requirements.

14 (b) The interface standard and application layer requirements
15 required in this subsection are the versions established in March
16 2018, unless the department adopts by rule a later version.

17 (2) The department may by rule establish a later effective date
18 or suspend enforcement of the requirements of subsection (1) of this
19 section if the department determines that such a delay or suspension
20 is in the public interest.

21 (3) Private customer information, and proprietary customer
22 information, collected, stored, conveyed, transmitted, or retrieved
23 by an electric storage water heater equipped with a modular demand
24 response communications port required under this section or rules
25 adopted under this chapter is subject to the provisions of RCW
26 19.29A.100 and 19.29A.110.

27 (4) An electric utility supplying electricity to a building in
28 which an electric storage water heater that meets the design
29 requirements established in this section has been installed may not,
30 without first having obtained in writing the customer's affirmative
31 consent to participating in a program that allows such alteration,
32 alter, or require the utility customer to alter, the usage of
33 electricity or water relating to the electric storage water heater on
34 the basis of information collected by the electric storage water
35 heater or any associated device.

36 **Sec. 6.** RCW 19.260.050 and 2009 c 501 s 4 are each amended to
37 read as follows:

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

10 ~~(2) On or after January 1, 2008, no new commercial refrigerator~~
11 ~~or freezer or state-regulated incandescent reflector lamp~~
12 ~~manufactured on or after January 1, 2007, may be installed for~~
13 ~~compensation in the state unless the efficiency of the new product~~
14 ~~meets or exceeds the efficiency standards set forth in RCW~~
15 ~~19.260.040. On or after January 1, 2009, no new automatic commercial~~
16 ~~ice cube machine manufactured on or after January 1, 2008, may be~~
17 ~~installed for compensation in the state unless the efficiency of the~~
18 ~~new product meets or exceeds the efficiency standards set forth in~~
19 ~~RCW 19.260.040.~~

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

23 ~~(4))~~ The following products, if manufactured on or after January
24 1, 2010, may not be sold or offered in the state unless the
25 efficiency of the new product meets or exceeds the efficiency
26 standards set forth in RCW 19.260.040:

- 27 ~~(a) ((Wine chillers designed and sold for use by an individual;~~
28 ~~(b))~~ Hot water dispensers and mini-tank electric water heaters;
29 ~~((c))~~ (b) Bottle-type water dispensers and point-of-use water
30 dispensers;
31 ~~((d) Pool heaters,~~) (c) Residential pool pumps~~((r))~~ and
32 portable electric spas;
33 ~~((e))~~ (d) Tub spout diverters; and
34 ~~((f))~~ (e) Commercial hot food holding cabinets.

35 ~~((5))~~ (2) The following products, if manufactured on or after
36 January 1, 2010, may not be installed for compensation in the state
37 on or after January 1, 2011, unless the efficiency of the new product
38 meets or exceeds the efficiency standards set forth in RCW
39 19.260.040:

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

1 ~~(b))~~) Hot water dispensers and mini-tank electric water heaters;
2 ~~((e))~~) (b) Bottle-type water dispensers and point-of-use water
3 dispensers;
4 ~~((d) — Pool heaters,)~~) (c) Residential pool pumps~~((r))~~) and
5 portable electric spas;
6 ~~((e))~~) (d) Tub spout diverters; and
7 ~~((f))~~) (e) Commercial hot food holding cabinets.

8 (3) The following products, if manufactured on or after January
9 1, 2021, may not be sold or offered for sale, lease, or rent in the
10 state unless the efficiency of the new product meets or exceeds the
11 efficiency standards set forth in RCW 19.260.040:

- 12 (a) Commercial dishwashers;
- 13 (b) Commercial fryers;
- 14 (c) Commercial steam cookers;
- 15 (d) Computers or computer monitors;
- 16 (e) Faucets;
- 17 (f) Residential ventilating fans;
- 18 (g) Spray sprinkler bodies;
- 19 (h) Showerheads;
- 20 (i) Uninterruptible power supplies;
- 21 (j) Urinals and water closets; and
- 22 (k) Water coolers.

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

- 24 (a) Hot water dispensers; and
- 25 (b) Bottle-type water dispensers and point-of-use water
26 dispensers.

27 (5) A new air compressor manufactured on or after January 1,
28 2022, may not be sold or offered for sale in the state unless the
29 efficiency of the new product meets or exceeds the efficiency
30 standards set forth in RCW 19.260.040.

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

35 (7) New general service lamps manufactured on or after January 1,
36 2020, may not be sold or offered for sale in the state unless the
37 efficiency of the new product meets or exceeds the efficiency
38 standards set forth in RCW 19.260.040.

39 (8) No new high CRI fluorescent lamps may be sold or offered for
40 sale in the state after January 1, 2023, unless the efficiency of the

1 new product meets or exceeds the efficiency standards set forth in
2 RCW 19.260.040. The department may establish by rule an earlier
3 effective date, not before January 1, 2022, if the state of
4 California adopts a comparable standard with an effective date before
5 January 1, 2023.

6 **Sec. 7.** RCW 19.260.060 and 2005 c 298 s 6 are each amended to
7 read as follows:

8 (1) The department may adopt rules that incorporate by reference
9 federal efficiency standards for federally covered products only as
10 the standards existed on January 1, 2018. The department, in
11 consultation with the office of the attorney general, must regularly
12 submit a report to the appropriate committees of the legislature on
13 federal standards that preempt the state standards set forth in RCW
14 19.260.040. Any report on federal preemption must be transmitted at
15 least thirty days before the start of any regular legislative
16 session.

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

36 **Sec. 8.** RCW 19.260.070 and 2005 c 298 s 7 are each amended to
37 read as follows:

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

4 (2) Manufacturers of new products covered by RCW 19.260.030 (~~(7~~
5 ~~except for single-voltage external AC to DC power supplies,~~) shall
6 certify to the department that the products are in compliance with
7 this chapter. This certification must be based on test results unless
8 this chapter does not specify a test method. The department shall
9 establish rules governing the certification of these products and may
10 (~~coordinate with~~) rely on the certification programs of other
11 states and federal agencies with similar standards.

12 (3) Manufacturers of new products covered by RCW 19.260.030 shall
13 identify each product offered for sale or installation in the state
14 as in compliance with this chapter by means of a mark, label, or tag
15 on the product and packaging at the time of sale or installation. The
16 department shall establish rules governing the identification of
17 these products and packaging, which shall be coordinated to the
18 greatest practical extent with the labeling programs of other states
19 and federal agencies with equivalent efficiency standards.
20 Manufacturers of general service lamps that meet the efficiency
21 standards under RCW 19.260.040 are not required to label each
22 individual lamp offered for sale or installation in the state.

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

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

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

1 are in addition to costs assessed under subsection (4) of this
2 section.

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

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

7 NEW SECTION. **Sec. 9.** RCW 19.27.170 (Water conservation
8 performance standards—Testing and identifying fixtures that meet
9 standards—Marking and labeling fixtures) and 1991 c 347 s 16 & 1989 c
10 348 s 8 are each repealed.

11 NEW SECTION. **Sec. 10.** If specific funding for the purposes of
12 this act, referencing this act by bill or chapter number, is not
13 provided by June 30, 2019, in the omnibus appropriations act, this
14 act is null and void.

15 NEW SECTION. **Sec. 11.** If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected."

2SHB 1444 - S COMM AMD
By Committee on Ways & Means

ADOPTED 04/15/2019

19 On page 1, line 1 of the title, after "standards;" strike the
20 remainder of the title and insert "amending RCW 19.260.010,
21 19.260.030, 19.260.040, 19.260.050, 19.260.060, and 19.260.070;
22 reenacting and amending RCW 19.260.020; adding a new section to
23 chapter 19.260 RCW; creating a new section; and repealing RCW
24 19.27.170."

EFFECT: (1) Specifies that plumbing fixtures and fittings and
computers and computer monitors must meet California standards.

(2) Removes the qualifier "residential" from electric storage
water heaters.

(3) Clarifies that the communications port on an electric storage
water heater is a design requirement rather than an efficiency
standard.

(4) Authorizes Commerce to establish by rule a later effective
date or suspend enforcement of the electric storage water heater

requirement if it is determined that a delay is in the public interest.

(5) Specifies that customer information collected, stored, conveyed, transmitted, or retrieved by an electric storage water heater equipped with a modular demand response communications port is subject to current statute regarding privacy and disclosure.

(6) Prohibits an electric utility from altering, without first obtaining written customer consent to participating in a program that allows such alteration, or requiring a utility customer to alter, electricity or water usage based on information collected by an electric storage water heater or any associated device.

(7) Requires Commerce to consult the Attorney General when compiling the report for the Legislature on federal standards that preempt state standards.

(8) Adds a severability clause.

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