
SECOND SUBSTITUTE SENATE BILL 5115

State of Washington

66th Legislature

2019 Regular Session

By Senate Ways & Means (originally sponsored by Senators Carlyle, Palumbo, Wellman, Hunt, Saldaña, Lias, and Kuderer; by request of Department of Commerce)

READ FIRST TIME 02/27/19.

1 AN ACT Relating to appliance efficiency standards; amending RCW
2 19.260.010, 19.260.030, 19.260.040, 19.260.050, 19.260.060, and
3 19.260.070; reenacting and amending RCW 19.260.020; and repealing RCW
4 19.27.170.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 19.260.010 and 2005 c 298 s 1 are each amended to
7 read as follows:

8 The legislature finds that efficiency standards:

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

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

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

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

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

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

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

19 The definitions in this section apply throughout this chapter
20 unless the context clearly requires otherwise.

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

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

28 (~~(3))~~ (2) "Commercial hot food holding cabinet" means a heated,
29 fully enclosed compartment, with one or more solid or partial glass
30 doors, that is designed to maintain the temperature of hot food that
31 has been cooked in a separate appliance. "Commercial hot food holding
32 cabinet" does not include heated glass merchandising cabinets, drawer
33 warmers, or cook and hold appliances.

34 (~~(4) (a)~~) ~~"Commercial refrigerators and freezers" means~~
35 ~~refrigerators, freezers, or refrigerator-freezers designed for use by~~
36 ~~commercial or institutional facilities for the purpose of storing or~~
37 ~~merchandising food products, beverages, or ice at specified~~
38 ~~temperatures that: (i) Incorporate most components involved in the~~
39 ~~vapor-compression cycle and the refrigerated compartment in a single~~

1 cabinet; and (ii) may be configured with either solid or transparent
2 doors as a reach-in cabinet, pass-through cabinet, roll-in cabinet,
3 or roll-through cabinet.

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

9 ~~(5))~~ (3) "Compensation" means money or any other valuable thing,
10 regardless of form, received or to be received by a person for
11 services rendered.

12 ~~((6))~~ (4) "Cook and hold appliance" means a multiple mode
13 appliance intended for cooking food that may be used to hold the
14 temperature of the food that has been cooked in the same appliance.

15 ~~((7))~~ (5) "Department" means the department of commerce.

16 ~~((8))~~ (6) "Drawer warmer" means an appliance that consists of
17 one or more heated drawers and that is designed to hold hot food that
18 has been cooked in a separate appliance at a specified temperature.

19 ~~((9))~~ (7) "Heated glass merchandising cabinet" means an
20 appliance with a heated cabinet constructed of glass or clear plastic
21 doors which, with seventy percent or more clear area, is designed to
22 display and maintain the temperature of hot food that has been cooked
23 in a separate appliance.

24 ~~((10))~~ (8) "Hot water dispenser" means a small electric water
25 heater that has a measured storage volume of no greater than one
26 gallon.

27 ~~((11))~~ (9) "Mini-tank electric water heater" means a small
28 electric water heater that has a measured storage volume of more than
29 one gallon and a rated storage volume of less than twenty gallons.

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

33 ~~(13))~~ (10) "Point-of-use water dispenser" means a water
34 dispenser that uses a pressurized water utility connection as the
35 source of potable water.

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

39 ~~(15))~~ (11) "Portable electric spa" means a factory-built
40 electric spa or hot tub, ~~((supplied with equipment for heating and~~

1 circulating water)) which may or may not include any combination of
2 integral controls, water heating, or water circulating equipment.

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

6 ~~(17))~~ (12) "Residential pool pump" means a pump used to
7 circulate and filter pool water in order to maintain clarity and
8 sanitation.

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

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

15 ~~(19))~~ (13) "Showerhead" means a device through which water is
16 discharged for a shower bath and includes a body sprayer and handheld
17 showerhead but does not include a safety showerhead.

18 ~~((20))~~ (14) "Showerhead tub spout diverter combination" means a
19 group of plumbing fittings sold as a matched set and consisting of a
20 control valve, a tub spout diverter, and a showerhead.

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

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

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

31 ~~(22))~~ (15) "Tub spout diverter" means a device designed to stop
32 the flow of water into a bathtub and to divert it so that the water
33 discharges through a showerhead.

34 ~~((23) "Wine chillers designed and sold for use by an individual"~~
35 ~~means refrigerators designed and sold for the cooling and storage of~~
36 ~~wine by an individual.))~~

37 (16) "Commercial dishwasher" means a machine designed to clean
38 and sanitize plates, pots, pans, glasses, cups, bowls, utensils, and
39 trays by applying sprays of detergent solution, with or without
40 blasting media granules, and a sanitizing rinse.

1 (17) "Commercial fryer" means an appliance, including a cooking
2 vessel, in which oil is placed to such a depth that the cooking food
3 is supported by displacement of the cooking fluid rather than by the
4 bottom of the vessel. Heat is delivered to the cooking fluid by means
5 of an immersed electric element of band-wrapped vessel (electric
6 fryers) or by heat transfer from gas burners through either the walls
7 of the fryer or through tubes passing through the cooking fluid (gas
8 fryers).

9 (18) "Commercial steam cooker" means a device with one or more
10 food-steaming compartments in which the energy in the steam is
11 transferred to the food by direct contact. Models may include
12 countertop models, wall-mounted models, and floor models mounted on a
13 stand, pedestal, or cabinet-style base.

14 (19) "Air compressor" means a compressor designed to compress air
15 that has an inlet open to the atmosphere or other source of air and
16 is made up of a compression element (bare compressor), a driver or
17 drivers, mechanical equipment to drive the compressor element, and
18 any ancillary equipment.

19 (20) "Compressor" means a machine or apparatus that converts
20 different types of energy into the potential energy of gas pressure
21 for displacement and compression of gaseous media to any higher-
22 pressure values above atmospheric pressure and has a pressure ratio
23 at full-load operating pressure greater than 1.3.

24 (21) "Computer" means a device that performs logical operations
25 and processes data. "Computer" includes both stationary and portable
26 units and includes a desktop computer, a portable all-in-one, a
27 notebook computer, a high expandability computer, a small-scale
28 server, a thin client, and a workstation. "Computer" does not include
29 a tablet, game console or handheld gaming system, a device with an
30 integrated primary display that has a screen size of twenty square
31 inches or less, small computer device, a server other than a small-
32 scale server, or an industrial computer. Although a computer is
33 capable of using input devices and displays, these devices are not
34 required to be included with the computer when the computer is
35 shipped. A computer is composed of, at a minimum:

36 (a) A central processing unit to perform operations or, if no
37 central processing unit is present, then the device must function as
38 a client gateway to a server and the server acts as the computational
39 central processing unit;

1 (b) The ability to support user input devices such as a keyboard,
2 mouse, or touchpad; and

3 (c) An integrated display screen or the ability to support an
4 external display screen to output information.

5 (22) "Computer monitor" means an analog or digital device of
6 diagonal screen size greater than or equal to seventeen inches and
7 less than or equal to sixty-one inches, that has a pixel density of
8 greater than five thousand pixels per square inch, and that is
9 designed primarily for the display of computer generated signals for
10 viewing by one person in a desk-based environment. A computer monitor
11 is composed of a display screen and associated electronics. A
12 computer monitor does not include:

13 (a) Displays with integrated or replaceable batteries designed to
14 support primary operation without AC mains or external DC power, such
15 as electronic readers, mobile phones, tablets, or battery-powered
16 digital picture frames; or

17 (b) A television or a signage display.

18 (23) "Faucet" means a lavatory faucet, kitchen faucet, metering
19 faucet, public lavatory faucet, or replacement aerator for a
20 lavatory, public lavatory, or kitchen faucet.

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

25 (25) "High color rendering index fluorescent lamp" or "high CRI
26 fluorescent lamp" means a fluorescent lamp with a color rendering
27 index of eighty-seven or greater that is not a compact fluorescent
28 lamp.

29 (26) "Portable air conditioner" means a portable encased
30 assembly, other than a packaged terminal air conditioner, room air
31 conditioner, or dehumidifier, that delivers cooled, conditioned air
32 to an enclosed space, and is powered by single-phase electric
33 current. It includes a source of refrigeration and may include
34 additional means for air circulation and heating and may be a single-
35 duct or a dual-duct portable air conditioner.

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

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

4 (29) "Spray sprinkler body" means the exterior case or shell of a
5 sprinkler incorporating a means of connection to the piping system
6 designed to convey water to a nozzle or orifice.

7 (30) "Uninterruptible power supply" means a battery charger
8 consisting of a number of convertors, switches, and energy storage
9 devices such as batteries, constituting a power system for
10 maintaining continuity of load power in case of input power failure.

11 (31) "Urinal" means a plumbing fixture that receives only liquid
12 body waste and, on demand, conveys the waste through a trap seal into
13 a gravity drainage system.

14 (32) "Water closet" means a plumbing fixture having a water-
15 containing receptor that receives liquid and solid body waste through
16 an exposed integral trap into a gravity drainage system.

17 (33) "Water cooler" means a freestanding device that consumes
18 energy to cool or heat potable water, including cold only units, hot
19 and cold units, cook and cold units, storage-type units, and on-
20 demand units.

21 (34) "Pressure regulator" means a device that maintains constant
22 operating pressure immediately downstream from the device, given
23 higher pressure upstream.

24 (35) "ANSI" means the American national standards institute.

25 (36) "CTA" means the consumer technology association.

26 (37) "Residential electric storage water heater" means a
27 federally regulated consumer product that uses electricity as the
28 energy source to heat domestic potable water, has a nameplate input
29 rating of twelve kilowatts or less, contains nominally forty gallons
30 but no more than one hundred twenty gallons of rated hot water
31 storage volume, and supplies a maximum hot water delivery temperature
32 less than one hundred eighty degrees fahrenheit.

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

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

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

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

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

1 ~~(d) Wine chillers designed and sold for use by an individual;~~
2 ~~(e)) Hot water dispensers and mini-tank electric water heaters;~~
3 ~~((f))~~ (b) Bottle-type water dispensers and point-of-use water
4 dispensers;
5 ~~((g) Pool heaters,)~~ (c) Residential pool pumps ~~((r))~~ and
6 portable electric spas;
7 ~~((h))~~ (d) Tub spout diverters; ~~(and~~
8 ~~(i))~~ (e) Commercial hot food holding cabinets;
9 (f) Air compressors;
10 (g) Commercial fryers, commercial dishwashers, and commercial
11 steam cookers;
12 (h) Computers and computer monitors;
13 (i) Faucets;
14 (j) High CRI fluorescent lamps;
15 (k) Portable air conditioners;
16 (l) Residential ventilating fans;
17 (m) Showerheads;
18 (n) Spray sprinkler bodies;
19 (o) Uninterruptible power supplies;
20 (p) Urinals and water closets;
21 (q) Water coolers;
22 (r) General service lamps; and
23 (s) Residential electric storage water heaters.

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

27 (3) This chapter does not apply to:

28 (a) New products manufactured in the state and sold outside the
29 state;

30 (b) New products manufactured outside the state and sold at
31 wholesale inside the state for final retail sale and installation
32 outside the state;

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

35 (d) Products designed expressly for installation and use in
36 recreational vehicles.

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

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

5 ~~(1) ((a) Automatic commercial ice cube machines must have daily~~
 6 ~~energy use and daily water use no greater than the applicable values~~
 7 ~~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
Remote condensing but not remote compressor	air	<1000	8.85-.0038	Not applicable
		≥1000	5.10	Not applicable
Remote condensing and remote compressor	air	<934	8.85-.0038H	Not applicable
		≥934	5.3	Not applicable
Self-contained models	water	<200	11.40-.0190H	191-.0315H
		≥200	7.60	191-.0315H
Self-contained models	air	<175	18.0-.0469H	Not applicable
		≥175	9.80	Not applicable

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

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

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

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

13 kWh= kilowatt-hours

14 V= total volume (ft³)

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

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

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

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

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

1 ~~(i) Lamps rated at fifty watts or less of the following types: BR~~
2 ~~30, ER 30, BR 40, and ER 40;~~

3 ~~(ii) Lamps rated at sixty-five watts of the following types: BR~~
4 ~~30, BR 40, and ER 40; and~~

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

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

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

13 ~~(5))~~ The department may adopt by rule a more recent version of
14 any standard or test method established in this section, including
15 any product definition associated with the standard or test method,
16 in order to maintain or improve consistency with other comparable
17 standards in other states.

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

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

25 ~~((+6))~~ (3) (a) The standby energy consumption of hot water
26 dispensers and mini-tank electric water heaters manufactured on or
27 after January 1, 2010, shall be not greater than 35 watts.

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

29 (i) That is within the scope of 42 U.S.C. Sec. 6292(a)(4) or
30 6311(1);

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

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

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

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

1 ~~((7))~~ (4) The following standards are established for ~~((pool~~
2 ~~heaters,))~~ residential pool pumps~~((,))~~ and portable electric spas:

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

5 ~~((b))~~ Residential pool pumps ~~((motors))~~ manufactured on or after
6 January 1, 2010, and until July 18, 2021, must meet requirements
7 specified in the California Code of Regulations, Title 20, section
8 1605.3 in effect as of July 26, 2009. Beginning July 19, 2021,
9 residential pool pumps must meet requirements specified in the
10 dedicated-purpose pool pump rule published by the United States
11 department of energy on January 18, 2017, (82 Fed. Reg. 5650) and
12 effective on May 18, 2017.

13 ~~((c))~~ (b) Through December 31, 2019, portable electric spas
14 manufactured on or after January 1, 2010, must meet requirements
15 specified in the California Code of Regulations, Title 20, section
16 1605.3 in effect as of July 26, 2009. Beginning January 1, 2020,
17 portable electric spas must meet the requirements of the American
18 national standard for portable electric spa energy efficiency (ANSI/
19 APSP/ICC-14 2014).

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

27 ~~((8))~~ (5)(a) The leakage rate of tub spout diverters shall be
28 no greater than the applicable requirements shown in the following
29 table:

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

34 (b) Showerhead tub spout diverter combinations shall meet both
35 the ~~((federal standard for showerheads established pursuant to 42~~
36 ~~U.S.C. Sec. 6291 et seq.))~~ standard for showerheads specified in this
37 section and the standard for tub spout diverters specified in this
38 section.

1 (~~(9)~~) (6)(a) The idle energy rate of commercial hot food
2 holding cabinets manufactured on or after January 1, 2010, shall be
3 no greater than 40 watts per cubic foot of measured interior volume.

4 (b) The idle energy rate of commercial hot food holding cabinets
5 shall be determined using ANSI/ASTM (~~(F2140-01)~~) F2140-11 standard
6 test method for the performance of hot food holding cabinets (test
7 for idle energy rate dry test). Commercial hot food holding cabinet
8 interior volume shall be calculated using straight line segments
9 following the gross interior dimensions of the appliance and using
10 the following equation: Interior height x interior width x interior
11 depth. Interior volume shall not account for racks, air plenums, or
12 other interior parts.

13 (7) Commercial dishwashers included in the scope of the
14 environmental protection agency energy star program product
15 specification for commercial dishwashers, version 2.0, must meet the
16 qualification criteria of that specification.

17 (8) Commercial fryers included in the scope of the environmental
18 protection agency energy star program product specification for
19 commercial fryers, version 2.0, must meet the qualification criteria
20 for that specification.

21 (9) Commercial steam cookers must meet the requirements of the
22 environmental protection agency energy star program product
23 specification for commercial steam cookers, version 1.2.

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

29 (11) Air compressors that meet the twelve criteria listed on page
30 350 to 351 of the "energy conservation standards for air compressors"
31 final rule issued by the United States department of energy on
32 December 5, 2016, must meet the requirements in table 1 on page 352
33 following the instructions on page 353 and as measured in accordance
34 with the "uniform test method for certain air compressors" under 10
35 C.F.R. Part 431 (Appendix A to Subpart T) as in effect on July 3,
36 2017.

37 (12) Faucets, except for metering faucets, and showerheads must
38 meet the following standards when measured in accordance with the
39 test methods prescribed in 10 C.F.R. Sec. 430.23 (appendix S to
40 subpart B of part 430) in effect as of January 3, 2017:

1 (a) Lavatory faucets and replacement aerators may not exceed a
2 maximum flow rate of 1.2 gallons per minute at sixty pounds per
3 square inch;

4 (b) Kitchen faucets and replacement aerators may not exceed a
5 maximum flow rate of 1.8 gallons per minute at sixty pounds per
6 square inch, with optional temporary flow of 2.2 gallons per minute,
7 provided the kitchen faucets and replacement aerators default to a
8 maximum flow rate of 1.8 gallons per minute at sixty pounds per
9 square inch after each use;

10 (c) Public lavatory faucets and replacement aerators may not
11 exceed a maximum flow rate of 0.5 gallons per minute at sixty pounds
12 per square inch; and

13 (d) Showerheads may not exceed a maximum flow rate of 1.8 gallons
14 per minute at eighty pounds per square inch.

15 (13) High CRI fluorescent lamps must meet the requirements in 10
16 C.F.R. Sec. 430.32(n)(4) in effect as of January 3, 2017, as measured
17 in accordance with the test methods prescribed in 10 C.F.R. Sec.
18 430.23 (appendix R to subpart B of part 430) in effect as of January
19 3, 2017.

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

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

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

28 (15) Residential ventilating fans must meet the qualification
29 criteria of the environmental protection agency energy star program
30 product specification for residential ventilating fans, version 3.2.

31 (16) Spray sprinkler bodies that are not specifically excluded
32 from the scope of the environmental protection agency water sense
33 program product specification for spray sprinkler bodies, version
34 1.0, must include an integral pressure regulator and must meet the
35 water efficiency and performance criteria and other requirements of
36 that specification.

37 (17) Urinals and water closets must meet the requirements in the
38 California Code of Regulations, Title 20, section 1605.3 in effect as
39 of January 1, 2018, as measured in accordance with the test methods

1 prescribed in the California Code of Regulations, Title 20, section
2 1604 in effect as of January 1, 2018.

3 (18) Uninterruptible power supplies that utilize a NEMA 1-15P or
4 5-15P input plug and have an AC output must have an average load
5 adjusted efficiency that meets or exceeds the values shown on page
6 193 of the prepublication final rule "Energy Conservation Program:
7 Energy Conservation Standards for Uninterruptible Power Supplies"
8 issued by the United States department of energy on December 28,
9 2016, as measured in accordance with test procedures prescribed in
10 Appendix Y to Subpart B of Part 430 of Title 10 of the Code of
11 Federal Regulations "Uniform Test Method for Measuring the Energy
12 Consumption of Battery Chargers" in effect as of January 11, 2017.

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

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

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

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

23 (20) General service lamps must meet or exceed a lamp efficacy of
24 45 lumens per watt, when tested in accordance with the applicable
25 federal test procedures for general service lamps prescribed in 10
26 C.F.R. Sec. 430.23 in effect as of January 3, 2017.

27 (21) All residential electric storage water heaters must be grid-
28 response capable by having a modular demand response communications
29 port compliant with: (a) The March 2018 version of the
30 ANSI/CTA-2045-A communication interface standard, or equivalent; and
31 (b) the March 2018 version of the ANSI/CTA-2045-A application layer
32 requirements.

33 **Sec. 5.** RCW 19.260.050 and 2009 c 501 s 4 are each amended to
34 read as follows:

35 ~~(1) ((No new commercial refrigerator or freezer or state-~~
36 ~~regulated incandescent reflector lamp manufactured on or after~~
37 ~~January 1, 2007, may be sold or offered for sale in the state unless~~
38 ~~the efficiency of the new product meets or exceeds the efficiency~~
39 ~~standards set forth in RCW 19.260.040. No new automatic commercial~~

1 ~~ice cube machine manufactured on or after January 1, 2008, may be~~
2 ~~sold or offered for sale in the state unless the efficiency of the~~
3 ~~new product meets or exceeds the efficiency standards set forth in~~
4 ~~RCW 19.260.040.~~

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

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

18 ~~(4))~~ The following products, if manufactured on or after January
19 1, 2010, may not be sold or offered in the state unless the
20 efficiency of the new product meets or exceeds the efficiency
21 standards set forth in RCW 19.260.040:

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

30 ~~((5))~~ (2) The following products, if manufactured on or after
31 January 1, 2010, may not be installed for compensation in the state
32 on or after January 1, 2011, unless the efficiency of the new product
33 meets or exceeds the efficiency standards set forth in RCW
34 19.260.040:

- 35 ~~(a) ((Wine chillers designed and sold for use by an individual;~~
36 ~~(b))~~ Hot water dispensers and mini-tank electric water heaters;
37 ~~((e))~~ (b) Bottle-type water dispensers and point-of-use water
38 dispensers;
39 ~~((d) Pool heaters,))~~ (c) Residential pool pumps~~((r))~~ and
40 portable electric spas;

1 ~~((e))~~ (d) Tub spout diverters; and

2 ~~((f))~~ (e) Commercial hot food holding cabinets.

3 (3) The following products, if manufactured on or after January
4 1, 2021, may not be sold or offered for sale, lease, or rent in the
5 state unless the efficiency of the new product meets or exceeds the
6 efficiency standards set forth in RCW 19.260.040:

7 (a) Commercial dishwashers;

8 (b) Commercial fryers;

9 (c) Commercial steam cookers;

10 (d) Computers or computer monitors;

11 (e) Faucets;

12 (f) Residential ventilating fans;

13 (g) Spray sprinkler bodies;

14 (h) Showerheads;

15 (i) Uninterruptible power supplies;

16 (j) Urinals and water closets;

17 (k) Water coolers; and

18 (l) Residential electric storage water heater.

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

20 (a) Hot water dispensers; and

21 (b) Bottle-type water dispensers and point-of-use water
22 dispensers.

23 (5) A new air compressor manufactured on or after January 1,
24 2022, may not be sold or offered for sale 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 (6) A new portable air conditioner manufactured on or after
28 February 1, 2022, may not be sold or offered for sale in the state
29 unless the efficiency of the new product meets or exceeds the
30 efficiency standards set forth in RCW 19.260.040.

31 (7) New general service lamps manufactured on or after January 1,
32 2020, may not be sold or offered for sale in the state unless the
33 efficiency of the new product meets or exceeds the efficiency
34 standards set forth in RCW 19.260.040.

35 (8) No new high CRI fluorescent lamps may be sold or offered for
36 sale in the state after January 1, 2023, unless the efficiency of the
37 new product meets or exceeds the efficiency standards set forth in
38 RCW 19.260.040. The department may establish by rule an earlier
39 effective date, not before January 1, 2022, if the state of

1 California adopts a comparable standard with an effective date before
2 January 1, 2023.

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

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

14 (2) The department may recommend updates to the energy efficiency
15 standards and test methods for products listed in RCW 19.260.030. The
16 department may also recommend establishing state standards for
17 additional nonfederally covered products. In making its
18 recommendations, the department shall use the following criteria:
19 ~~((1))~~ (a) Multiple manufacturers produce products that meet the
20 proposed standard at the time of recommendation~~((2))~~; (b)
21 products meeting the proposed standard are available at the time of
22 recommendation~~((3))~~; (c) the products are cost-effective to
23 consumers on a life-cycle cost basis using average Washington
24 resource rates~~((4))~~; (d) the utility of the energy efficient
25 product meets or exceeds the utility of the comparable product
26 available for purchase~~((7))~~; and ~~((5))~~ (e) the standard exists in
27 at least two other states in the United States. For recommendations
28 concerning commercial clothes washers, the department must also
29 consider the fiscal effects on the low-income, elderly, and student
30 populations. Any recommendations shall be transmitted to the
31 appropriate committees of the legislature sixty days before the start
32 of any regular legislative session.

33 **Sec. 7.** RCW 19.260.070 and 2005 c 298 s 7 are each amended to
34 read as follows:

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

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

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

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

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

32 (6) The department (~~shall~~) may investigate complaints received
33 concerning violations of this chapter. Any manufacturer or
34 distributor who violates this chapter shall be issued a warning by
35 the director of the department for any first violation. Repeat
36 violations are subject to a civil penalty of not more than two
37 hundred fifty dollars a day. Penalties assessed under this subsection
38 are in addition to costs assessed under subsection (4) of this
39 section.

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

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

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

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