

# FINAL BILL REPORT

## ESHB 1619

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Synopsis as Enacted

**Brief Description:** Concerning appliance efficiency standards.

**Sponsors:** House Committee on Environment & Energy (originally sponsored by Representatives Fitzgibbon, Hackney, Ryu, Berry, Wicks, Duerr, Ramel, Valdez, Fey, Goodman, Gregerson, Macri, Simmons, Kloba, Pollet, Riccelli, Ormsby and Harris-Talley).

**House Committee on Environment & Energy**  
**Senate Committee on Environment, Energy & Technology**

### **Background:**

#### Appliance Efficiency and Testing Standards.

Federal law generally allows states to establish minimum efficiency and testing standards for products that are not covered by federal appliance efficiency regulations. Once a federal efficiency standard is established for a given appliance, the federal standard preempts existing state standards unless a state is granted a waiver of federal preemption. Appliances for which federal efficiency and testing standards have been established include:

- commercial refrigeration and freezing equipment;
- wine chillers;
- automatic commercial ice cube machines;
- residential pool pumps (newly in effect as of July 19, 2021); and
- uninterruptible power supplies (newly in effect as of January 10, 2022).

Washington law sets minimum efficiency and testing standards for several categories of appliances sold, offered for sale, or installed in the state, including:

- commercial hot food holding cabinets;
- portable electric spas;
- residential ventilating fans;
- residential pool pumps; and
- uninterruptible power supplies.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

The Department of Commerce (Commerce), in consultation with the Office of the Attorney General, must regularly submit a report to the Legislature on federal standards that preempt state standards. Commerce notified the Legislature in December 2021 that federal energy efficiency standards preempt Washington standards for residential pool pumps and uninterruptible power supplies.

With respect to appliance efficiency standards, Commerce is authorized to:

- recommend updates to the Washington appliance efficiency and testing standards;
- recommend establishing Washington standards for additional non-federally covered appliances; or
- adopt by rule more recent versions of any state efficiency standard or test method, including any product definition associated with the standard or test method, in order to maintain or improve consistency with other comparable standards in other states.

For appliance efficiency standards applicable to electric storage water heaters, Commerce is authorized to establish a delayed effective date of restrictions or suspend enforcement if a delay or suspension is in the public interest.

The United States Environmental Protection Agency (EPA) implements an Energy Star program that allows producers of products that meet voluntary energy efficiency standards established for categories of products by the EPA to use an official Energy Star label.

The Department of Agriculture administers a Weights and Measures Program which tests and inspects commercial weighing and measuring devices. Beginning in 2023, in a regulatory program overseen by the Department of Agriculture, electric vehicle service providers that operate certain types of publicly available electric vehicle supply equipment must meet certain equipment marking, cost disclosure, and other operational standards.

## **Summary:**

### Repeal of Preempted Washington Energy Efficiency Standards.

The Washington appliance efficiency and testing standards for the following products are repealed:

- uninterruptible power supplies; and
- residential pool pumps.

### Amendments to Existing Washington Appliance Efficiency and Testing Standards.

Beginning January 1, 2024, residential ventilating fans must meet the qualification criteria of the EPA Energy Star specification for residential ventilating fans, version 4.1. The definition of residential ventilating fans subject to these requirements is amended, beginning January 1, 2024, to be similar to the residential ventilating fans that are subject to the EPA's Energy Star standard, except that kitchen range hoods are included within the EPA's Energy Star definition but are excluded from the Washington energy efficiency standards.

Beginning January 1, 2024, portable electric spas must meet the requirements for energy efficiency specified in, and tested in accordance with, California regulations in effect as of January 1, 2022.

Beginning June 9, 2022, commercial hot food holding cabinets must meet the qualification criteria of the EPA Energy Star specification for commercial hot food holding cabinets, version 2.0.

New Washington Appliance Efficiency and Testing Standards.

Beginning January 1, 2024, new energy efficiency standards are established as follows:

- air purifiers other than industrial air purifiers must meet the qualification criteria of the EPA Energy Star specification for room air cleaners, version 2.0;
- commercial ovens included in the scope of the EPA Energy Star program requirements product specification for commercial ovens, version 2.2, must meet that standard; and
- other than for certain electric vehicle charging cords, electric vehicle supply equipment included in the scope of the EPA Energy Star program requirements product specification for electric vehicle supply equipment, version 1.0, must meet that standard.

These products, if manufactured on or after January 1, 2024, may not be sold, or offered for sale, lease, or rent unless they meet the specified energy efficiency standards.

Other.

For any existing or new appliance efficiency standards, Commerce may establish a delayed effective date of restrictions or suspend enforcement if a delay or suspension is in the public interest.

A severability clause is included.

**Votes on Final Passage:**

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| House  | 56 | 39 |
| Senate | 28 | 21 |

**Effective:** June 9, 2022  
January 1, 2024 (Section 2)