

WSR 23-23-175

PROPOSED RULES

DEPARTMENT OF COMMERCE

[Filed November 22, 2023, 10:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-19-092.

Title of Rule and Other Identifying Information: Updates and amendments to chapter 194-24 WAC to reflect new versions of EnergyStar standards for electric vehicle supply equipment (EVSE) and residential ventilating fans, and to remove state efficiency standards for air purifiers in light of new federal standards.

Hearing Location(s): On January 22, 2024, at 10:00 a.m., virtual https://wastatecommerce.zoom.us/webinar/register/WN_gWaoNW8kSlyTbJfg4ne3bg.

Date of Intended Adoption: February 10, 2024.

Submit Written Comments to: Nick Manning, P.O. Box 42525, Olympia, WA 98504, email nick.manning@commerce.wa.gov, by January 22, 2024.

Assistance for Persons with Disabilities: Contact Nick Manning, phone 564-200-4324, email nick.manning@commerce.wa.gov, by January 18, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Chapter 19.260 RCW establishes energy efficiency standards for multiple products (listed in RCW 19.260.030) that are sold, offered for sale, or installed in the state. The law also authorizes the department of commerce (commerce) to adopt by rule a more recent version of any standard established in statute in order to improve consistency with other comparable standards in other states. Implementing this authority, commerce regularly updates its appliance standards through rule, including after the passage of HB 1619 concerning appliance efficiency standards (2022), and in 2021 to incorporate updated appliance standards for computer equipment. Commerce has developed draft rules to update state efficiency standards for EVSE and residential ventilating fans to reflect more recent versions of the Environmental Protection Agency (EPA) EnergyStar standards listed in RCW 19.260.040 in order to maintain and improve consistency with other comparable standards in other states. Commerce has also developed draft rules to remove the section of chapter 194-24 WAC concerning air purifiers in light of new federal Department of Energy conservation standards for air cleaners.

Reasons Supporting Proposal: New versions of appliance efficiency standards for electric vehicle supply equipment and residential ventilating fans have been issued through the EPA's ENERGY STAR® program. Additionally, the Department of Energy has recently published a final rule establishing new energy conservation standards for air purifiers. Washington's adoption of a state air purifier standard was a key driving factor in reaching consensus at the national level to support and adopt a federal standard. It is important that commerce update state standards when the underlying standard changes; otherwise it would be impractical for manufacturers to comply with labeling requirements, and Washington consumers could lose access to the most recent versions of these products. New York, Rhode Island, Massachusetts, Nevada, and Colorado are all in the process of updating many of the same energy standards; it is important for Washington to do the same to maintain consistency with current markets.

Statutory Authority for Adoption: RCW 19.260.040(1), 19.260.070.

Statute Being Implemented: RCW 19.260.040.

Rule is necessary because of federal law, 10 C.F.R. Parts 429 and 430.

Name of Proponent: Washington state department of commerce, governmental.

Name of Agency Personnel Responsible for Drafting: Liz Reichart, 1011 Plum Street S.E., P.O. Box 42525, Olympia, WA 98504-2525, 360-515-8194; Implementation and Enforcement: Brittany Wagner, 1011 Plum Street S.E., P.O. Box 42525, Olympia, WA 98504-2525.

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

A cost-benefit analysis is not required under RCW 34.05.328. Commerce is not a listed agency in RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted: The United States Department of Energy established a final rule for air cleaners in 10 C.F.R. Parts 429 and 430, preempting the Washington standard.

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: The proposed rule changes do not update the required energy efficiency of any product. These updates are proposed only so that more product can be compliant and thus be sold in Washington.

Scope of exemption for rule proposal:

Is fully exempt.

November 22, 2023

Amanda Hathaway

Rules Coordinator

OTS-5095.1

AMENDATORY SECTION (Amending WSR 23-07-050, filed 3/9/23, effective 4/9/23)

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

(2) **Standard.** Residential ventilating fans must meet the requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for residential ventilating fans, version ((4.1)) 4.2.

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

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

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

AMENDATORY SECTION (Amending WSR 23-07-050, filed 3/9/23, effective 4/9/23)

WAC 194-24-200 Electric vehicle supply equipment. (1) Scope.

This rule applies to new electric vehicle supply equipment manufactured on or after January 1, 2024.

(2) **Standard.** Electric vehicle supply equipment must meet the requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for electric vehicle supply equipment, version ((1.0)) 1.2.

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

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

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 194-24-187 Air purifiers.