

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Energy and Technology to which was referred House
3 Bill No. 411 entitled “An act relating to Vermont’s energy efficiency standards
4 for appliances and equipment” respectfully reports that it has considered the
5 same and recommends that the bill be amended by striking out all after the
6 enacting clause and inserting in lieu thereof the following:

7 Sec. 1. PURPOSE

8 The purpose of this act is to adopt effective federal appliance and lighting
9 efficiency standards in effect on January 19, 2017 so that the same standards
10 will be in place in Vermont should the federal standards be repealed or voided.
11 The act also adopts federal standards for general service lighting that have
12 been adopted by the U.S. Department of Energy and are scheduled to come
13 into effect on January 20, 2020, again so that the same standards will be in
14 place in Vermont. The act does not adopt standards for other products or
15 standards for a product that are different from the federal standards.

16 Sec. 2. 9 V.S.A. § 2793 is amended to read:

17 § 2793. DEFINITIONS

18 As used in this chapter:

19 * * *

20 (15) “General service lamp” has the same meaning as set forth in the
21 action published at 82 Fed. Reg. 7276, 7321-22 (January 19, 2017) and

1 modified by the action published at 82 Fed. Reg. 7322, 7333 (January 19,
2 2017).

3 Sec. 3. 9 V.S.A. § 2794 is amended to read:

4 § 2794. SCOPE

5 (a) The provisions of this chapter apply to the following types of new
6 products sold, offered for sale, or installed in the State:

7 (1) Medium voltage dry-type distribution transformers.

8 (2) Metal halide lamp fixtures.

9 (3) Residential furnaces and residential boilers.

10 (4) Single-voltage external AC to DC power supplies.

11 (5) State-regulated incandescent reflector lamps.

12 (6) General service lamps.

13 (7) Each other product for which the Commissioner is required to adopt
14 an efficiency or water conservation standard by rule pursuant to section 2795
15 of this title.

16 (8) Any other product that may be designated by the Commissioner in
17 accordance with section 2797 of this title.

18 (b) The provisions of this chapter do not apply to:

19 (1) New products manufactured in the State and sold outside the State
20 and the equipment used in manufacturing those products.

1 (2) New products manufactured outside the State and sold at wholesale
2 inside the State for final retail sale and installation outside the State.

3 (3) Products installed in mobile manufactured homes at the time of
4 construction.

5 (4) Products designed expressly for installation and use in recreational
6 vehicles.

7 Sec. 4. 9 V.S.A. § 2795 is amended to read:

8 § 2795. EFFICIENCY AND WATER CONSERVATION STANDARDS

9 ~~Not later than June 1, 2007, the~~ The Commissioner shall adopt rules in
10 accordance with the provisions of 3 V.S.A. chapter 25 establishing minimum
11 efficiency standards for the types of new products set forth in section 2794 of
12 this title. The rules shall provide for the following minimum efficiency
13 standards for products sold or installed in this State:

14 * * *

15 (6) In the rules, the Commissioner shall adopt minimum efficiency and
16 water conservation standards for each product that is subject to a standard
17 under 10 C.F.R. §§ 430 and 431 as those provisions existed on January 19,
18 2017. The minimum standard and the testing protocol for each product shall
19 be the same as adopted in those sections of the Code of Federal Regulations.

20 (7) In the rules, the Commissioner shall adopt a minimum efficacy
21 standard for general service lamps of 45 lumens per watt, when tested in

1 accordance with 10 C.F.R. § 430.23(gg) as that provision existed on January
2 19, 2017.

3 Sec. 5. 9 V.S.A. § 2796 is amended to read:

4 § 2796. IMPLEMENTATION

5 * * *

6 (f)(1) When federal preemption under 42 U.S.C. § 6297 applies to a
7 standard adopted pursuant to this chapter for a product, the standard shall
8 become enforceable on the occurrence of the earliest of the following:

9 (A) The federal energy or water conservation standard for the product
10 under 42 U.S.C. chapter 77 is withdrawn, repealed, or otherwise voided.
11 However, this subdivision (A) shall not apply to any federal energy or water
12 conservation standard set aside by a court of competent jurisdiction upon the
13 petition of a person who will be adversely affected, as provided in 42 U.S.C.
14 § 6306(b).

15 (B) A waiver is issued pursuant to 42 U.S.C. § 6297.

16 (2) The federal standard for general service lamps shall be considered to
17 be withdrawn, repealed, or otherwise voided within the meaning of this
18 subsection if it does not come into effect on January 20, 2020 pursuant to the
19 actions published at 82 Fed. Reg. 7276 and 7333 (January 19, 2017).

20 (3) When a standard adopted pursuant to this chapter becomes
21 enforceable under this subsection, a person shall not sell or offer for sale in the

1 State a new product subject to the standard unless the efficiency or water
2 conservation of the new product meets or exceeds the requirements set forth in
3 the standard.

4 Sec. 6. RULE ADOPTION; SCHEDULE; REPORT

5 (a) Rule adoption; schedule.

6 (1) On or before August 1, 2017, the Commissioner of Public Service
7 shall file with the Secretary of State proposed rules to effect Sec. 2 of this act.

8 (2) On or before April 1, 2018, the Commissioner shall finally adopt
9 these rules, unless the Legislative Committee on Administrative Rules extends
10 this date pursuant to 3 V.S.A. § 843(c).

11 (b) Reports.

12 (1) On or before December 15, 2017, the Commissioner of Public
13 Service shall file a progress report on the rulemaking required by this act. The
14 report shall attach the proposed rules as filed with the Secretary of State.

15 (2) On or before December 15, 2018, the Commissioner of Public
16 Service shall file a further progress report on the rulemaking required by this
17 act. The report shall attach the rules as finally adopted by the Commissioner.

18 Sec. 7. EFFECTIVE DATE

19 This act shall take effect on passage.

20
21 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE