

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred
3 House Bill No. 410 entitled “An act relating to adding products to Vermont’s
4 energy efficiency standards for appliances and equipment” respectfully reports
5 that it has considered the same and recommends that the Senate propose to the
6 House that the bill be amended by striking out all after the enacting clause and
7 inserting in lieu thereof the following:

8 * * * Appliance Efficiency * * *

9 Sec. 1. PURPOSE

10 (a) In 9 V.S.A. § 2792, the General Assembly found that efficiency
11 standards for products sold or installed in the State provide benefits to
12 consumers and businesses, including saving money on utility bills, saving
13 energy and thereby reducing the environmental impacts of energy
14 consumption, reducing or delaying the need for new power plants and
15 upgrades to the electric transmission and distribution system, and allowing the
16 energy cost savings to be spent on other goods and services within the State’s
17 economy.

18 (b) The purpose of this act is to obtain the benefits found in 9 V.S.A.
19 § 2792 for the following products to which the State’s efficiency standards
20 under 9 V.S.A. chapter 74 do not currently apply: air compressors,
21 commercial dishwashers, commercial fryers, commercial hot-food holding

1 cabinets, commercial steam cookers, computers and computer monitors,
2 faucets, high color rendering index fluorescent lamps, portable air
3 conditioners, portable electric spas, residential ventilating fans, showerheads,
4 spray sprinkler bodies, uninterruptible power supplies, urinals, and water
5 coolers.

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

7 § 2793. DEFINITIONS

8 As used in this chapter:

9 * * *

10 (16) With respect to air compressors, the following definitions apply:

11 (A) “Air compressor” means a compressor that is designed to
12 compress air that has an inlet open to the atmosphere or other source of air and
13 that consists of the bare compressor, also known as the compression element;
14 one or more drivers; mechanical equipment to drive the compression element;
15 and any ancillary equipment.

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

1 (17) “Commercial dishwasher” means a machine designed to clean and
2 sanitize plates, pots, pans, glasses, cups, bowls, utensils, and trays by applying
3 sprays of detergent solution, with or without blasting media granules, and a
4 sanitizing rinse. The phrase “commercial dishwasher” does not include
5 dishwashers intended for consumer use as defined in 10 C.F.R. § 430.2.

6 (18) “Commercial fryer” means an appliance, including a cooking
7 vessel, in which oil is placed to such a depth that the cooking food is supported
8 by displacement of the cooking fluid rather than by the bottom of the vessel.
9 Heat is delivered to the cooking fluid by means of an immersed electric
10 element of band-wrapped vessel or by heat transfer from gas burners either
11 through the walls of the fryer or through tubes passing through the cooking
12 fluid.

13 (19) “Commercial hot-food holding cabinet” means a heated, fully
14 enclosed compartment with one or more solid or transparent doors designed to
15 maintain the temperature of hot food that has been cooked using a separate
16 appliance. The phrase “commercial hot-food holding cabinet” does not include
17 heated glass merchandizing cabinets, drawer warmers, or cook-and-hold
18 appliances.

19 (20) “Commercial steam cooker” means a device with one or more
20 food-steaming compartments in which the energy in the steam is transferred to

1 the food by direct contact. A commercial steam cooker may also be known as
2 a compartment steamer.

3 (21) “ENERGY STAR Program” means the federal program initiated by
4 the U.S. Environmental Protection Agency pursuant to 42 U.S.C. § 7403(g)
5 that includes certification of energy-saving products, buildings, and tools, and
6 includes other resources for saving energy.

7 (22) With respect to faucets and showerheads, the following definitions
8 apply:

9 (A) “Faucet” means a lavatory faucet, kitchen faucet, metering
10 faucet, public lavatory faucet, or replacement aerator for a lavatory, public
11 lavatory, or kitchen faucet. As used in this subdivision (24)(A):

12 (i) “Metering faucet” means a fitting that, when turned on, will
13 gradually shut itself off over a period of several seconds.

14 (ii) “Public lavatory faucet” means a fitting intended to be
15 installed in nonresidential bathrooms that are exposed to walk-in traffic.

16 (iii) “Replacement aerator” means an aerator sold as a
17 replacement, separate from the faucet to which it is intended to be attached.

18 (B) “Showerhead” means an accessory to a supply fitting for
19 spraying water onto a bather, typically from an overhead position. The term
20 includes a body spray and handheld shower. As used in this subdivision

21 (22)(B):

1 (i) “Body spray” means a shower device for spraying water onto a
2 bather other than from the overhead position.

3 (ii) “Handheld shower” means a showerhead that can be held or
4 fixed in place for the purpose of spraying water onto a bather and that is
5 connected to a flexible hose.

6 (23) “High color rendering index (CRI) fluorescent lamp” means a
7 fluorescent lamp with a color rendering index of 87 or greater that is not a
8 compact fluorescent lamp.

9 (24) “Luminaire” means a complete lighting unit consisting of a
10 fluorescent lamp or lamps, together with parts designed to distribute the light,
11 to position and protect such lamps, and to connect such lamps to the power
12 supply through the ballast.

13 (25) With respect to portable air conditioners, the following definitions
14 apply:

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

1 (B) “Single-duct portable air conditioner” means a portable air
2 conditioner that draws all of the condenser inlet air from the conditioned space
3 without the means of a duct and discharges the condenser outlet air outside the
4 conditioned space through a single duct attached to an adjustable window
5 bracket.

6 (C) “Dual-duct portable air conditioner” means a portable air
7 conditioner that draws some or all of the condenser inlet air from outside the
8 conditioned space through a duct attached to an adjustable window bracket,
9 may draw additional condenser inlet air from the conditioned space, and
10 discharges the condenser outlet air outside the conditioned space by means of a
11 separate duct attached to an adjustable window bracket.

12 (26) “Portable electric spa” means a factory-built electric spa or hot tub,
13 which may or may not include any combination of integral controls, water
14 heating, or water circulating equipment.

15 (27) “Residential ventilating fan” means a ceiling, wall-mounted, or
16 remotely mounted in-line fan designed to be used in a bathroom or utility room
17 whose purpose is to move air from inside the building to the outdoors.

18 (28) With respect to spray sprinkler bodies, the following definitions
19 apply:

1 (A) “Pressure regulator” means a device that maintains constant
2 operating pressure immediately downstream from the device, given higher
3 pressure upstream.

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

7 (29) “T12 fluorescent lamp” means a tubular fluorescent lamp to which
8 one of the following applies:

9 (A) The lamp has a nominal rating of 34 watts, is 48 inches in length
10 and one and one-half inches in diameter, and conforms to ANSI standard
11 C78.81-2003 (Data Sheet 7881-ANSI-1006-1). Such a lamp is often referred
12 to as an “F34T12 lamp” or an “F40T12/ES lamp.”

13 (B) The lamp has a nominal rating of 40 watts, is 48 inches in length
14 and one and one-half inches in diameter, and conforms to ANSI standard
15 C78.81-2003 (Data Sheet 7881-ANSI-1010-1). Such a lamp is often referred
16 tas an “F40T12 lamp.”

17 (C) The lamp has a nominal rating of 60 watts, is 96 inches in length
18 and one and one-half inches in diameter, and conforms to ANSI standard
19 C78.81-2003 (Data Sheet 7881-ANSI-3006-1). Such a lamp is often referred
20 to an “F96T12/ES lamp.”

1 (D) The lamp has a nominal rating of 75 watts, is 96 inches in length
2 and one and one-half inches in diameter, and conforms to ANSI standard
3 C78.81-2003 (Data Sheet 7881-ANSI-3007-1). Such a lamp is often referred
4 to as an “F96T12 lamp.”

5 (E) The lamp has a nominal rating of 95 watts, is 96 inches in length
6 and one and one-half inches in diameter, and conforms to ANSI standard
7 C78.81-2003 (Data Sheet 7881-ANSI-1017-1). Such a lamp is often referred
8 to as an “F96T12HO/ES lamp.”

9 (F) The lamp has a nominal rating of 110 watts, is 96 inches in length
10 and one and one-half inches in diameter, and conforms to ANSI standard
11 C78.81-2003 (Data Sheet 7881-ANSI-1019-1). Such a lamp is often referred
12 to as an “F96T12HO lamp.”

13 (30) “Uninterruptible power supply” means a battery charger consisting
14 of a combination of convertors, switches, and energy storage devices, such as
15 batteries, constituting a power system that maintains continuity of load power
16 in case of input power failure.

17 (31) With respect to urinals, the following definitions apply:

18 (A) “Plumbing fixture” means an exchangeable device that connects
19 to a plumbing system to deliver and drain away water and waste.

20 (B) “Trough-type urinal” means a urinal designed for simultaneous
21 use by two or more persons.

1 (C) “Urinal” means a plumbing fixture that receives only liquid body
2 waste and conveys the waste through a trap into a drainage system.

3 (32) With respect to water coolers, the following definitions apply:

4 (A) “Cold-only unit” means a water cooler that dispenses cold
5 water only.

6 (B) “Cook and cold unit” means a water cooler that dispenses both
7 cold and room-temperature water.

8 (C) “Hot and cold unit” means a water cooler that dispenses both hot
9 and cold water. A hot and cold unit also may dispense room-temperature
10 water.

11 (D) “On demand” means that a water cooler heats water as it is
12 requested, which typically takes a few minutes to deliver.

13 (E) “Storage-type” means that a water cooler stores thermally
14 conditioned water in a tank and the conditioned water is available
15 instantaneously. Storage-type water coolers include point-of-use, dry storage
16 compartment, and bottled water coolers.

17 (F) “Water cooler” means a freestanding device that consumes
18 energy to cool or heat potable water, or both.

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

20 § 2794. SCOPE

- 1 (a) The provisions of this chapter apply to the following types of new
2 products sold, offered for sale, or installed in the State:
- 3 (1) Medium voltage dry-type distribution transformers.
 - 4 (2) Metal halide lamp fixtures.
 - 5 (3) Residential furnaces and residential boilers.
 - 6 (4) Single-voltage external AC to DC power supplies.
 - 7 (5) State-regulated incandescent reflector lamps.
 - 8 (6) General service lamps.
 - 9 (7) Air compressors.
 - 10 (8) Commercial dishwashers.
 - 11 (9) Commercial fryers.
 - 12 (10) Commercial hot-food holding cabinets.
 - 13 (11) Commercial steam cookers.
 - 14 (12) Computers and computer monitors.
 - 15 (13) Faucets.
 - 16 (14) High CRI fluorescent lamps.
 - 17 (15) Portable air conditioners.
 - 18 (16) Portable electric spas.
 - 19 (17) Residential ventilating fans.
 - 20 (18) Showerheads.
 - 21 (19) Spray sprinkler bodies.

1 (20) Uninterruptible power supplies.

2 (21) Urinals.

3 (22) Water coolers.

4 (23) Each other product for which the Commissioner is required to
5 adopt an efficiency or water conservation standard by rule pursuant to
6 section 2795 of this title.

7 ~~(8)~~(24) Any other product that may be designated by the Commissioner
8 in accordance with section 2797 of this title.

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

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

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

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

16 (4) Products designed expressly for installation and use in recreational
17 vehicles.

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

19 § 2795. EFFICIENCY AND WATER CONSERVATION STANDARDS

20 (a) The Commissioner shall adopt rules in accordance with the provisions
21 of 3 V.S.A. chapter 25 establishing minimum efficiency standards for the types

1 of new products set forth in section 2794 of this title. The rules shall provide
2 for the following minimum efficiency standards for products sold or installed
3 in this State:

4 * * *

5 (4)(A) Single-voltage external AC to DC power supplies shall meet the
6 energy efficiency requirements of the following table:

7 * * *

8 (C) For purposes of this subdivision (4), the efficiency of single-
9 voltage external AC to DC power supplies shall be measured in accordance
10 with the test methodology specified by the ~~U.S. Environmental Protection~~
11 ~~Agency's Energy Star~~ ENERGY STAR Program, "Test Method for
12 Calculating the Energy Efficiency of Single-Voltage External AC-DC and AC-
13 AC Power Supplies (August 11, 2004)."

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 except that for faucets, showerheads, and urinals, the minimum standard and
21 testing protocol shall be as otherwise set forth in this section.

1 (7) In the rules, the Commissioner shall adopt a minimum efficacy
2 standard for general service lamps of 45 lumens per watt, when tested in
3 accordance with 10 C.F.R. § 430.23(gg) as that provision existed on
4 January 19, 2017.

5 (8) In this subdivision (8), “final rule” means the document setting forth
6 a final action by the U.S. Department of Energy (DOE) with respect to a final
7 rule for “Energy Conservation Standards for Air Compressors,” docket no.
8 EERE-2013-BT-STD-0040, approved by DOE on December 5, 2016. Air
9 compressors that meet the 12 criteria to be codified under 10 C.F.R.
10 § 431.345(a) and set forth on pages 350 to 351 of the final rule shall meet the
11 requirements contained in Table 1 on page 352 of the final rule using the
12 instructions to be codified under 10 C.F.R. § 431.345(b) and set forth on page
13 353 of the final rule. Compliance with these requirements shall be measured in
14 accordance with 10 C.F.R. Part 431, Subpart T, Appendix A, entitled “Uniform
15 Test Method for Certain Air Compressors,” as in effect on July 3, 2017.

16 (9) Commercial dishwashers included in the scope of the “ENERGY
17 STAR Program Requirements Product Specification for Commercial
18 Dishwashers,” Version 2.0, shall meet the qualification criteria of that
19 specification.

1 (10) Commercial fryers included in the scope of the “ENERGY STAR
2 Program Requirements Product Specification for Commercial Fryers,” Version
3 2.0, shall meet the qualification criteria of that specification.

4 (11) Commercial hot-food holding cabinets shall have a maximum idle
5 energy rate of 40 watts per cubic foot of interior volume, as determined by the
6 “idle energy rate-dry test” in ASTM F2140-11, “Standard Test Method for
7 Performance of Hot-Food Holding Cabinets,” ASTM International (2011).
8 Interior volume shall be measured as prescribed in the “ENERGY STAR
9 Program Requirements Product Specification for Commercial Hot-Food
10 Holding Cabinets,” Version 2.0.

11 (12) Commercial steam cookers shall meet the requirements of the
12 “ENERGY STAR Program Requirements Product Specification for
13 Commercial Steam Cookers,” Version 1.2.

14 (13) Computers and computer monitors shall meet the requirements of
15 20 California Code of Regulations (C.C.R.) § 1605.3(v) and compliance with
16 these requirements shall be measured in accordance with test methods
17 prescribed in 20 C.C.R. § 1604(v).

18 (A) For the purposes of this subdivision (13), terms used in the
19 referenced portions of the C.C.R. shall be as defined in 20 C.C.R. § 1602.

20 (B) The rules shall define “computer” and “computer monitor” to
21 have the same meaning as set forth in 20 C.C.R. § 1602(v).

1 (C) The referenced portions of the C.C.R. shall be those adopted on
2 or before the effective date of this section. However, the Commissioner shall
3 have authority to amend the rules so that the definitions of “computer” and
4 “computer monitor” and the minimum efficiency standards for computers and
5 computer monitors conform to subsequently adopted modifications to the
6 referenced sections of the C.C.R.

7 (14) Faucets, except for metering faucets, and showerheads shall meet
8 the standards set forth in this subdivision (14) when tested in accordance with
9 10 C.F.R. Part 430, Subpart B, Appendix S, entitled “Uniform Test Method for
10 Measuring the Water Consumption of Faucets and Showerheads,” as in effect
11 on January 3, 2017.

12 (A) Lavatory faucets and replacement aerators shall not exceed a
13 maximum flow rate of 1.5 gallons per minute (gpm) at 60 pounds per square
14 inch (psi).

15 (B) Residential kitchen faucets and replacement aerators shall not
16 exceed a maximum flow rate of 1.8 gpm at 60 psi, with optional temporary
17 flow of 2.2 gpm, provided they default to a maximum flow rate of 1.8 gpm at
18 60 psi after each use.

19 (C) Public lavatory faucets and replacement aerators shall not exceed
20 a maximum flow rate of 0.5 gpm at 60 psi.

1 (D) Showerheads shall not exceed a maximum flow rate of 2.0 gpm
2 at 80 psi.

3 (15) High CRI fluorescent lamps shall meet the minimum efficacy
4 requirements contained in 10 C.F.R. § 430.32(n)(4) as that subdivision existed
5 on January 3, 2017. Compliance with requirements shall be measured in
6 accordance with 10 C.F.R. Part 430, Subpart B, Appendix R, entitled
7 “Uniform Test Method for Measuring Average Lamp Efficacy (LE), Color
8 Rendering Index (CRI), and Correlated Color Temperature (CCT) of Electric
9 Lamps,” as that appendix existed on January 3, 2017.

10 (16) Urinals, other than trough-type urinals and urinals designed and
11 marketed exclusively for use at prisons or mental health facilities, shall have a
12 maximum flush volume of 0.5 gallons per flush when tested in accordance
13 with 10 C.F.R. Part 430, Subpart B, Appendix T, entitled “Uniform Test
14 Method for Measuring the Water Consumption of Water Closets and Urinals,”
15 as in effect on January 3, 2017 and shall pass the waste extraction test for
16 water closets set forth in Sec. 7.10 of the American Society of Mechanical
17 Engineers (ASME) standard A112.19.2-2013/CSA B.45.1, as that standard
18 exists on the effective date of this section.

19 (17) Portable air conditioners shall have a Combined Energy Efficiency
20 Ratio (CEER), that is greater than or equal to: $1.04 \times [SACC / (3.7177 \times$
21 $SACC^{0.6384})]$.

1 (A) In this subdivision (17), “SACC” means seasonally adjusted
2 cooling capacity expressed in British thermal units per hour.

3 (B) The CEER shall be measured in accordance with 10 C.F.R. Part
4 430, Subpart B, Appendix CC, entitled “Uniform Test Method for Measuring
5 the Energy Consumption of Portable Air Conditioners,” as in effect on
6 January 3, 2017.

7 (18) Portable electric spas shall meet the requirements of the American
8 National Standard for Portable Electric Spa Energy Efficiency,
9 ANSI/APSP/ICC-14 2014, as that standard exists on the effective date of this
10 section.

11 (19) Residential ventilating fans shall meet the qualification criteria of
12 the “ENERGY STAR Program Requirements Product Specification for
13 Residential Ventilating Fans,” Version 3.2.

14 (20) Spray sprinkler bodies shall include an integral pressure regulator
15 and shall meet the water efficiency and performance criteria and other
16 requirements of the Environmental Protection Agency’s “WaterSense
17 Specification for Spray Sprinkler Bodies,” Version 1.0. However, this
18 subdivision (20) shall not apply to spray sprinkler bodies that are specifically
19 excluded from the scope of that specification.

20 (21) In this subdivision (21), “final rule” means the document setting
21 forth a final action by DOE with respect to a final rule for “Energy

1 Conservation Standards for Uninterruptible Power Supplies,” docket no.
2 EERE-2016-BT-STD-0022, approved by DOE on December 28, 2016.
3 Uninterruptible power supplies that use a National Electrical Manufacturer
4 Association (NEMA) 1-15P or 5-15P input plug and have an alternating
5 current (AC) output shall have an average load-adjusted efficiency that meets
6 or exceed the values shown to be codified under 10 C.F.R. § 430.32(z)(3) and
7 set forth on pages 193–194 of the final rule. Compliance with these
8 requirements shall be measured in accordance with 10 C.F.R. Part 430,
9 Subpart B, Appendix Y, entitled “Uniform Test Method for Measuring the
10 Energy Consumption of Battery Chargers,” as in effect on January 11, 2017.

11 (22) Water coolers included in the scope of the “ENERGY STAR
12 Program Requirements Product Specification for Water Coolers,” Version 2.0,
13 shall have “on mode with no water draw” energy consumption less than or
14 equal to the following values, measured in accordance with the test
15 requirements of that specification:

16 (A) 0.16 kilowatt-hours (kWh) per day for cold-only units and cook
17 and cold units;

18 (B) 0.87 kWh per day for storage type hot and cold units; and

19 (C) 0.18 kWh per day for on-demand hot and cold units.

20 (b) When a minimum efficiency standard as described in subsection (a) of
21 this section sets forth requirements that change over time, the rules shall

1 provide for compliance with the changed requirements as they come into
2 effect.

3 (c) When a subdivision within subdivisions (a)(8) through (a)(22) of this
4 section requires compliance with an efficiency standard or testing protocol
5 contained in a document issued by an agency of the United States, another
6 state, or a nationally or internationally recognized organization, the rules of the
7 Commissioner may incorporate the specified standard or protocol by reference
8 pursuant to 3 V.S.A. § 838 rather than setting forth its language.

9 (d) With respect to computers and computer monitors subject to
10 subdivision (a)(13) of this section, the Commissioner shall have authority to
11 adopt official interpretations of the applicable efficiency standards published
12 by the staff of the California Energy Commission (CEC). The rules shall state
13 the process for such adoption and the manner in which the Commissioner will
14 make the adopted interpretations publicly available.

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

16 § 2796. IMPLEMENTATION

17 * * *

18 ~~(d) One year after the date upon which the sale or offering for sale of~~
19 ~~certain products becomes subject to the requirements of subsection (a) or (b) of~~
20 ~~this section, no new products may be installed for compensation in the State~~

1 ~~unless the efficiency of a new product meets or exceeds the efficiency~~
2 ~~standards set forth in the rules adopted pursuant to section 2795 of this title.~~

3 (1) On or after July 1, 2019, no new luminaire that is designed and
4 marketed to operate with T12 fluorescent lamps may be sold or offered for sale
5 in the State. This prohibition shall not apply to a luminaire that the seller
6 purchased on or before June 30, 2019.

7 (2) On or after July 1, 2020, no new air compressor, commercial
8 dishwasher, commercial fryer, commercial hot-food holding cabinet,
9 commercial steam cooker, computer or computer monitor, high CRI
10 fluorescent lamp, portable electric spa, residential ventilating fan, spray
11 sprinkler body, uninterruptible power supply, or water cooler may be sold or
12 offered for sale, lease, or rent in the State unless the efficiency of the new
13 product meets or exceeds the efficiency standards set forth in the rules adopted
14 pursuant to section 2795 of this title.

15 (3) On or after July 1, 2021, no new faucet, showerhead, or urinal may
16 be sold or offered for sale, lease, or rent in the State unless the efficiency of the
17 new product meets or exceeds the efficiency standards set forth in the rules
18 adopted pursuant to section 2795 of this title.

19 (4) This subdivision governs the date after which no new portable air
20 conditioner may be sold or offered for sale, lease, or rent in the State unless the
21 efficiency of the new product meets or exceeds the efficiency standards set

1 forth in the rules adopted pursuant to section 2795 of this title (the compliance
2 date).

3 (A) The compliance date shall be on or after February 1, 2022, unless
4 subdivision (B) of this subdivision (3) applies.

5 (B) If, prior to January 1, 2019, the U.S. Department of Energy
6 (DOE) has published a final rule in the Federal Register establishing efficiency
7 standards for portable air conditioners and the rule has not been repealed,
8 voided, or retracted, the compliance date shall be on or after the date as of
9 which portable air conditioners are required to comply with the DOE rule.

10 (5) The prohibitions set forth in subdivisions (2) through (4) of this
11 subsection shall not apply to a product that the seller or lessor purchased:

12 (A) in the case of a product listed in subdivision (2) of this
13 subsection, on or before June 30, 2020;

14 (B) in the case of a faucet, showerhead, or urinal, on or before
15 June 30, 2021; and

16 (C) in the case of a portable air conditioner, before the first date on
17 which compliance is required under subdivision (4).

18 * * *

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

1 (A) The federal energy or water conservation standard for the product
2 under 42 U.S.C. chapter 77 is withdrawn, repealed, or otherwise voided.

3 However, this subdivision (A) shall not apply to any federal energy or water
4 conservation standard set aside by a court of competent jurisdiction upon the
5 petition of a person who will be adversely affected, as provided in 42 U.S.C.
6 § 6306(b).

7 (B) A waiver of federal preemption is issued pursuant to 42 U.S.C.
8 § 6297.

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

13 (3) When a standard adopted pursuant to this chapter becomes
14 enforceable under this subsection, a person shall not sell or offer for sale in the
15 State a new product subject to the standard unless the efficiency or water
16 conservation of the new product meets or exceeds the requirements set forth in
17 the standard.

18 Sec. 6. RULEMAKING

19 On or before May 1, 2019, the Commissioner of Public Service shall file
20 with the Secretary of State proposed rules to implement Secs. 2 through 4 of
21 this act.

1 Sec. 7. 26 V.S.A. § 2173 is amended to read:

2 § 2173. RULES ADOPTED BY THE BOARD

3 (a) The ~~plumber's examining board~~ Plumber's Examining Board may,
4 pursuant to the ~~provisions of 3 V.S.A. chapter 25 (Administrative Procedure~~
5 ~~Act)~~ Administrative Procedure Act, make and revise such plumbing rules as
6 necessary for protection of the public health, except that no rule of the ~~board~~
7 Board may require the installation or maintenance of a water heater at a
8 minimum temperature. To the extent that a rule of the ~~board~~ Board conflicts
9 with this subsection, that rule shall be invalid and unenforceable. The rules
10 shall be in effect in every city, village, and town having a public water system
11 or public sewerage system and apply to all premises connected to the systems
12 and all public buildings containing plumbing or water treatment and heating
13 specialties whether they are connected to a public water or sewerage system.
14 The local board of health and the ~~commissioner of public safety~~ Commissioner
15 of Public Safety shall each have authority to enforce these rules. The rules
16 shall be limited to minimum performance standards reasonably necessary for
17 the protection of the public against accepted health hazards and shall be
18 consistent with any minimum efficiency standards for plumbing fixtures
19 adopted under 9 V.S.A. chapter 74. The ~~board~~ Board may, if it finds it
20 practicable to do so, adopt the provisions of a nationally recognized plumbing
21 code and as needed shall adopt a Vermont-specific amendment to the adopted

1 code to ensure that it is consistent with any minimum efficiency standards for
2 plumbing fixtures adopted under 9 V.S.A. chapter 74.

3 * * *

4 * * * Energy Planning * * *

5 Sec. 8. 30 V.S.A. § 202b is amended to read:

6 § 202b. STATE COMPREHENSIVE ENERGY PLAN

7 (a) The Department of Public Service, in conjunction with other State
8 agencies designated by the Governor, shall prepare a State Comprehensive
9 Energy Plan covering at least a 20-year period. The Plan shall seek to
10 implement the State energy policy set forth in section 202a of this title and
11 shall be consistent with the relevant goals of 24 V.S.A. § 4302. The Plan shall
12 include:

13 (1) a comprehensive analysis and projections regarding the use, cost,
14 supply, and environmental effects of all forms of energy resources used within
15 Vermont;

16 (2) recommendations for State implementation actions, regulation,
17 legislation, and other public and private action to carry out the Comprehensive
18 Energy Plan, including recommendations for State agency energy plans under
19 3 V.S.A. § 2291 and transportation planning under Title 19; and

1 renewable energy consumed. For the electricity sector, the report shall also
2 state the amounts in megawatt hours (MWH) and the Vermont and New
3 England summer and winter peak electric demand, including the hour and day
4 of peak demand.

5 (B) Projections of the energy reductions and shift to renewable
6 energy expected to occur under existing policies, technologies, and markets.
7 The most recent available data shall be used to inform these projections and
8 shall be provided as a supplement to the data described in subdivision (A) of
9 this subdivision (3).

10 (C) Recommendations of policies to further the renewable energy
11 goals set forth in statute and the Plan, along with an evaluation of the relative
12 cost-effectiveness of different policy approaches.

13 (4) The report shall include a supplemental analysis setting forth how
14 progress toward the goals of the Plan is supported by complementary work in
15 avoiding or reducing energy consumption through efficiency and demand
16 reduction. In this subdivision (4), “demand reduction” includes dispatchable
17 measures, such as controlling appliances that consume energy, and
18 nondispatchable measures, such as weatherization.

19 (5) The report shall include recommendations on methods to enhance
20 the process for planning, tracking, and reporting progress toward meeting
21 statutory energy goals and the goals of the Plan. Such recommendations may

1 include the consolidation of one or more periodic reports filed by the
2 Department or other State agencies relating to renewable energy, with
3 proposals for amending the statutes relevant to those reports.

4 (6) The report shall include a summary of the following information for
5 each sector:

6 (A) major changes in relevant markets, technologies, and costs;

7 (B) average Vermont prices compared to the other New England
8 states, based on the most recent available data; and

9 (C) significant Vermont and federal incentive programs that are
10 relevant to one or more of the sectors.

11 Sec. 9. 30 V.S.A. § 218c is amended to read:

12 § 218c. LEAST-COST INTEGRATED PLANNING

13 * * *

14 (b) Each regulated electric or gas company shall prepare and implement a
15 least-cost integrated plan for the provision of energy services to its Vermont
16 customers. At least every third year on a schedule directed by the Public
17 Utility Commission, each such company shall submit a proposed plan to the
18 Department of Public Service and the Public Utility Commission. The
19 Commission, after notice and opportunity for hearing, may approve a
20 company's least-cost integrated plan if it determines that the company's plan
21 complies with the requirements of subdivision (a)(1) of this section and of

1 sections 8004 and 8005 of this title and is consistent with the goals of the
2 Comprehensive Energy Plan issued under section 202b of this title.

3 * * *

4 Sec. 10. 19 V.S.A. § 10b is amended to read:

5 § 10b. STATEMENT OF POLICY; GENERAL

6 (a) The Agency shall be the responsible agency of the State for the
7 development of transportation policy. It shall develop a mission statement to
8 reflect:

9 (1) that State transportation policy shall be to encompass, coordinate,
10 and integrate all modes of transportation and to consider “complete streets”
11 principles, which are principles of safety and accommodation of all
12 transportation system users, regardless of age, ability, or modal preference; and

13 (2) the need for transportation projects that will improve the State’s
14 economic infrastructure, as well as the use of resources in efficient,
15 coordinated, integrated, cost-effective, and environmentally sound ways, and
16 that will be consistent with the recommendations of the Comprehensive
17 Energy Plan (CEP) issued under 30 V.S.A. § 202b.

18 (b) The Agency shall coordinate planning and education efforts with those
19 of the Vermont Climate Change Oversight Committee and those of local and
20 regional planning entities:

1 (1) to ~~assure~~ ensure that the transportation system as a whole is
2 integrated, that access to the transportation system as a whole is integrated, and
3 that statewide, local, and regional conservation and efficiency opportunities
4 and practices are integrated; and

5 (2) to support ~~employer~~ employer-led or local or regional government-
6 led conservation, efficiency, rideshare, and bicycle programs and other
7 innovative transportation advances, especially employer-based incentives.

8 (c) In developing the State’s annual Transportation Program, the Agency
9 shall, consistent with the planning goals listed in 24 V.S.A. § 4302 as amended
10 by 1988 Acts and Resolves No. 200 and with appropriate consideration to
11 local, regional, and State agency plans:

12 (1) Develop or incorporate designs that provide integrated, safe, and
13 efficient transportation and that are consistent with the recommendations of
14 the CEP.

15 * * *

16 Sec. 11. 19 V.S.A. § 10i is amended to read:

17 § 10i. TRANSPORTATION PLANNING PROCESS

18 (a) Long-range systems plan. The ~~agency~~ Agency shall establish and
19 implement a planning process through the adoption of a long-range
20 multi-modal systems plan integrating all modes of transportation. The
21 long-range multi-modal systems plan shall be based upon ~~agency~~ Agency

1 transportation policy developed under section 10b of this title, other policies
2 approved by the ~~legislature, agency~~ General Assembly, Agency goals, mission,
3 and objectives, and demographic and travel forecasts, design standards,
4 performance criteria, and funding availability. The long-range systems plan
5 shall be developed with participation of the public, and local, and regional
6 governmental entities, and pursuant to the planning goals and processes set
7 forth in 1988 Acts and Resolves No. 200 ~~of the Acts of the 1987 Adj. Sess.~~
8 ~~(1988)~~. The plan shall be consistent with the Comprehensive Energy Plan
9 (CEP) issued under 30 V.S.A. § 202b.

10 * * *

11 (c) ~~Transportation program~~ Program. ~~The transportation program~~
12 Transportation Program shall be developed in a fiscally responsible manner to
13 accomplish the following objectives:

14 (1) ~~Managing~~ managing, maintaining, and improving the ~~state's~~ State's
15 existing transportation infrastructure to provide capacity, safety, and flexibility
16 in the most cost-effective and efficient manner;

17 (2) ~~Developing~~ developing an integrated transportation system that
18 provides Vermonters with transportation choices;

19 (3) ~~Strengthening~~ strengthening the economy, protecting the quality of
20 the natural environment, and improving Vermonters' quality of life; and

21 (4) achieving the recommendations of the CEP.

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Sec. 12. 3 V.S.A. § 2291 is amended to read:

§ 2291. STATE AGENCY ENERGY PLAN

* * *

(c) The Secretary of Administration with the cooperation of the Commissioners of Public Service and of Buildings and General Services shall develop and oversee the implementation of a State Agency Energy Plan for State government. The Plan shall be adopted by June 30, 2005, modified as necessary, and readopted by the Secretary on or before January 15, 2010 and each sixth year subsequent to 2010. The Plan shall be consistent with the Comprehensive Energy Plan (CEP) issued under 30 V.S.A. § 202b. The Plan shall accomplish the following objectives and requirements:

* * *

Sec. 13. REPORTS; ELECTRIC GENERATION CONSTRAINTS

(a) This section requires two written submissions on matters relating to electric generation, one from the Public Utility Commission (PUC or Commission) and one from the Department of Public Service (DPS or Department). Each submission shall be made on or before January 15, 2019 to the House Committee on Energy and Technology and the Senate Committees on Finance and on Natural Resources and Energy.

1 (b) The Commission has pending before it several contested cases raising
2 issues pertaining to electric generation and the area of the Sheffield-Highgate
3 Export Interface (SHEI) and a noncontested case proceeding related to the
4 Standard Offer Program under 30 V.S.A. § 8005a in which the Commission
5 may examine issues related to ensuring that standard offer projects are
6 proposed in areas that do not result in additional costs to the electric
7 transmission or distribution system or that provide the greatest benefit to the
8 system. The Commission’s written submission under this section shall include
9 all of the following:

10 (1) For each of those contested cases, a summary of its findings and
11 conclusions on the merits of the issue or issues in the case related to the SHEI
12 area. This subdivision (1) does not require the Commission to provide a
13 summary for a contested case in which it has not issued a final order on the
14 merits.

15 (2) For the proceeding related to the Standard Offer Program, a
16 summary of its decisions to date of the submission on issues related to siting
17 standard offer projects in areas that do not result in additional costs to the
18 electric transmission or distribution system or that provide the greatest benefit
19 to the system.

20 (3) As attachments, a copy of each decision summarized.

1 (c) The Department shall submit a written report to assist the General
2 Assembly, renewable energy developers, and electric utilities to plan for the
3 deployment of renewable electric generation in a manner that is consistent with
4 the goals, requirements, and programs related to renewable energy set forth or
5 established in 30 V.S.A. chapter 89, the statutory goals for greenhouse gas
6 reduction at 10 V.S.A. § 578, and the goals and recommendations of the 2016
7 Comprehensive Energy Plan.

8 (1) On each of the following, the report shall include analysis and
9 recommendations that are consistent with those goals, requirements, and
10 programs:

11 (A) How to manage demands on the State’s electric transmission and
12 distribution system that relate to or affect the deployment of renewable electric
13 generation. The Department shall identify and review areas of the State, such
14 as the SHEI area, in which generation that is interconnected to the electric
15 transmission and distribution system faces constraints due to system capacity
16 and conditions, including the relationship of interconnected generation to
17 existing load;

18 (B) How to encourage the deployment of all types of renewable
19 electric generation while minimizing curtailment of such generation.

20 (C) How to facilitate meeting the distributed renewable generation
21 and energy transformation requirements of the Renewable Energy Standard at

1 30 V.S.A. §§ 8004–8005 in light of constraints identified under subdivision
2 (A) of this subdivision (1).

3 (D) The role of energy storage in the deployment of renewable
4 electric generation.

5 (E) Recommended methods to guide where renewable electric
6 generation should be located in the State;

7 (F) Recommended methods to guide the location in the State of end
8 users that consume significant amounts of electric energy.

9 (G) Other relevant issues as determined by the Department.

10 (2) Prior to submitting this report, the Department shall provide an
11 opportunity for written submission of relevant comments and information by
12 the public and shall conduct one or more meetings at which the public may
13 provide comments and information. The Department shall provide prior notice
14 of the opportunity to submit comments and information and of each meeting to
15 each Vermont electric transmission and distribution utility, Renewable Energy
16 Vermont, each holder of a certificate of public good for an electric generation
17 facility within the SHEI area with a capacity greater than 500 kilowatts, each
18 entity appointed to deliver energy efficiency programs and measures under
19 30 V.S.A. § 209(d), and any other person who requests such notice or whom
20 the Department may determine to notify.

1 (3) With respect to the recommendations in the report, the Department
2 shall identify those recommendations that require passage of enabling
3 legislation and those recommendations that may be carried out under existing
4 law. The report shall propose a timetable for implementation of the
5 recommendations that may be carried out under existing law.

6 Sec. 14. RENEWABLE ENERGY STANDARD (RES) RULEMAKING

7 2015 Acts and Resolves No. 56, Sec. 8(d) is amended to read:

8 (d) On or before July 1, ~~2018~~ 2019, the ~~Board~~ Public Utility Commission
9 shall commence rulemaking to implement Secs. 2, 3, and 7 of this act. The
10 ~~Board~~ Commission shall finally adopt these rules within eight months of
11 commencing rulemaking, unless this period is extended by the Legislative
12 Committee on Administrative Rules under 3 V.S.A. § 843.

13 * * * Authority to Reserve Parking Spaces for Plug-in

14 Electric Vehicles * * *

15 Sec. 15. 23 V.S.A. § 1104 is amended to read:

16 § 1104. STOPPING PROHIBITED

17 (a) Except when necessary to avoid conflict with other traffic, or in
18 compliance with law or the directions of an enforcement officer or official
19 traffic-control device, no person may:

20 * * *

1

2 (Committee vote: _____)

3

4

Senator _____

5

FOR THE COMMITTEE