

1 TO THE HOUSE OF REPRESENTATIVES:

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

7 Sec. 1. PURPOSE

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

16 (b) The purpose of this act is to obtain the benefits found in 9 V.S.A.  
17 § 2792 for the following products to which the State’s efficiency standards do  
18 not currently apply: air compressors, commercial dishwashers, commercial  
19 fryers, commercial hot-food holding cabinets, commercial steam cookers,  
20 computers and computer monitors, faucets, high color rendering index  
21 fluorescent lamps, portable air conditioners, portable electric spas, residential

1 ventilating fans, showerheads, spray sprinkler bodies, telephones,  
2 uninterruptible power supplies, urinals, and water closets.

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

4 § 2793. DEFINITIONS

5 As used in this chapter:

6 \* \* \*

7 (15) With respect to air compressors, the following definitions apply:

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

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

18 (16) “Commercial dishwasher” means a machine designed to clean and  
19 sanitize plates, pots, pans, glasses, cups, bowls, utensils, and trays by applying  
20 sprays of detergent solution, with or without blasting media granules, and a

1 sanitizing rinse. The phrase “commercial dishwasher” does not include  
2 dishwashers intended for consumer use as defined in 10 C.F.R § 430.2.

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

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

16 (19) “Commercial steam cooker” means a device with one or more  
17 food-steaming compartments in which the energy in the steam is transferred to  
18 the food by direct contact. A commercial steam cooker may also be known as  
19 a compartment steamer.

1           (20) “Computer” means a device that performs logical operations and  
2           processes data, whether or not input devices or displays are included when the  
3           device is shipped.

4           (A) At a minimum, a computer includes:

5           (i) a central processing unit (CPU) to perform operations or, if no  
6           CPU is present, then the device functions as a client gateway to a server, and  
7           the server acts as a computational CPU;

8           (ii) the ability to support user input devices such as a keyboard,  
9           mouse, or touch pad; and

10           (iii) an integrated display screen or the ability to support an  
11           external display screen to output information.

12           (B) The term “computer” includes both stationary and portable units  
13           and includes a desktop computer, a portable all-in-one, a notebook computer, a  
14           mobile gaming system, a high-expandability computer, a small-scale server, a  
15           thin client, and a workstation.

16           (C) The term “computer” does not include a tablet, a game console, a  
17           television, a device with an integrated and primary display that has a screen  
18           size of 20 square inches or less, a server other than a small-scale server, or an  
19           industrial computer.

20           (21) “Computer monitor” means an analog or digital device composed  
21           of a display screen and associated electronics that has a diagonal screen size

1 greater than or equal to 17 inches and less than or equal to 61 inches, that has a  
2 pixel density of greater than 5,000 pixels per square inch (psi), and that is  
3 designed primarily for the display of computer-generated signals for viewing  
4 by one person in a desk-based environment. The term “computer monitor”  
5 does not include:

6 (A) displays with integrated or replaceable batteries designed to  
7 support primary operation without AC mains or external DC power, such as  
8 electronic readers, mobile phones, tablets, battery-powered digital picture  
9 frames; or

10 (B) a television or signage display.

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

15 (23) With respect to faucets and showerheads, the following definitions  
16 apply:

17 (A) “Faucet” means a lavatory faucet, kitchen faucet, metering  
18 faucet, public lavatory faucet, or replacement aerator for a lavatory, public  
19 lavatory, or kitchen faucet. As used in this subdivision (23):

20 (B) “Metering faucet” means a faucet that, when turned on, will  
21 gradually shut itself off over a period of several seconds.

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

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

5           (E) “Showerhead” means a device through which water is discharged  
6           for a shower bath. The term includes a body sprayer and handheld showerhead  
7           and does not include a safety showerhead.

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

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

14           (26) With respect to portable air conditioners, the following definitions  
15           apply:

16           (A) “Portable air conditioner” means a portable encased assembly,  
17           other than a packaged terminal air conditioner, room air conditioner, or  
18           dehumidifier, that includes a source of refrigeration; delivers cooled,  
19           conditioned air to an enclosed space; and is powered by single-phase electric  
20           current. The assembly may include additional means for air circulation and  
21           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           (27) “Residential ventilating fan” means a ceiling, wall-mounted, or  
13           remotely mounted in-line fan designed to be used in a bathroom or utility  
14           room, or a kitchen range hood, whose purpose is to move air from inside the  
15           building to the outdoors.

16           (28) With respect to spray sprinkler bodies, the following definitions  
17           apply:

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

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

4           (29) “Telephone” means an electronic product whose primary purpose is  
5           to transmit and receive sound over a distance using a voice or data network.  
6           The term does not include a cellular telephone as defined in the “ENERGY  
7           STAR Program Product Specification for Telephony,” Version 3.0.

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

12           (31) With respect to urinals and water closets, the following definitions  
13           apply:

14           (A) “Dual-flush effective flush volume” means the average flush  
15           volume of two reduced flushes and one full flush.

16           (B) “Dual-flush water closet” means a water closet incorporating a  
17           feature that allows the user to flush the water closet with either a reduced or a  
18           full volume of water.

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



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

4           (E) “Water closet” means a plumbing fixture having a water-  
5           containing receptor that receives liquid and solid body waste through an  
6           exposed, integral trap into a drainage system.

7           (F) “Trough-type urinal” means a urinal designed for simultaneous  
8           use by two or more persons.

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

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

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

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

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

19           (E) “Storage-type” means that a water cooler stores thermally  
20           conditioned water in a tank and the conditioned water is available

1 instantaneously. Storage-type water coolers include point-of-use, dry storage  
2 compartment, and bottled water coolers.

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

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

6 § 2794. SCOPE

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

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

10 (2) Metal halide lamp fixtures.

11 (3) Residential furnaces and residential boilers.

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

13 (5) State-regulated incandescent reflector lamps.

14 (6) General service lamps.

15 (7) Air compressors.

16 (8) Commercial dishwashers.

17 (9) Commercial fryers.

18 (10) Commercial hot-food holding cabinets.

19 (11) Commercial steam cookers.

20 (12) Computers and computer monitors.

21 (13) Faucets.

1           (14) High CRI fluorescent lamps.

2           (15) Portable air conditioners.

3           (16) Portable electric spas.

4           (17) Residential ventilating fans.

5           (18) Showerheads.

6           (19) Spray sprinkler bodies.

7           (20) Telephones.

8           (21) Uninterruptible power supplies.

9           (22) Urinals.

10          (23) Water closets.

11          (24) Water coolers.

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

15          ~~(8)~~(26) Any other product that may be designated by the Commissioner  
16 in accordance with section 2797 of this title.

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

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

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



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(6) In the rules, the Commissioner shall adopt minimum efficiency and water conservation standards for each product that is subject to a standard under 10 C.F.R. §§ 430 and 431 as those provisions existed on January 19, 2017. The minimum standard and the testing protocol for each product shall be the same as adopted in those sections of the Code of Federal Regulations, except that for faucets, showerheads, urinals, and water closets, the minimum standard and testing protocol shall be as otherwise set forth in this section.

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

(8) In this subdivision (8), “final rule” means the document setting forth a final action by the U.S. Department of Energy (DOE) with respect to a final rule for “Energy Conservation Standards for Air Compressors,” docket no. EERE-2013-BT-STD-0040, approved by DOE on December 5, 2016. Air compressors that meet the 12 criteria to be codified under 10 C.F.R. § 431.345(a) and set forth on pages 350 to 351 of the final rule shall meet the requirements contained in Table 1 on page 352 of the final rule using the instructions to be codified under 10 C.F.R. § 431.345(b) and set forth on page 353 of the final rule. Compliance with these requirements shall be measured in

1 accordance with 10 C.F.R. Part 431, Subpart T, Appendix A, entitled “Uniform  
2 Test Method for Certain Air Compressors,” as in effect on July 3, 2017.

3 (9) Commercial dishwashers included in the scope of the “ENERGY  
4 STAR Program Requirements Product Specification for Commercial  
5 Dishwashers,” Version 2.0, shall meet the qualification criteria of that  
6 specification.

7 (10) Commercial fryers included in the scope of the “ENERGY STAR  
8 Program Requirements Product Specification for Commercial Fryers,” Version  
9 2.0, shall meet the qualification criteria of that specification.

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

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

20 (13) Computers and computer monitors shall meet the requirements of  
21 20 California Code of Regulations (C.C.R.) § 1605.3(v) and compliance with

1 these requirements shall be measured in accordance with test methods  
2 prescribed in 20 C.C.R. § 1604(v). The referenced portions of the C.C.R. shall  
3 be those adopted on or before the effective date of this section.

4 (14) Faucets, except for metering faucets, and showerheads shall meet  
5 the standards set forth in this subdivision (14) when tested in accordance with  
6 10 C.F.R. Part 430, Subpart B, Appendix S, entitled “Uniform Test Method for  
7 Measuring the Water Consumption of Faucets and Showerheads,” as in effect  
8 on January 3, 2017.

9 (A) Lavatory faucets and replacement aerators shall not exceed a  
10 maximum flow rate of 1.2 gallons per minute (gpm) at 60 pounds per square  
11 inch (psi).

12 (B) Kitchen faucets and replacement aerators shall not exceed a  
13 maximum flow rate of 1.8 gpm at 60 psi, with optional temporary flow of  
14 2.2 gpm, provided they default to a maximum flow rate of 1.8 gpm at 60 psi  
15 after each use.

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

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

20 (15) High CRI fluorescent lamps shall meet the minimum efficacy  
21 requirements contained in 10 C.F.R. § 430.32(n)(4) as in effect on January 3,

1 2017. Compliance with requirements shall be measured in accordance with  
2 10 C.F.R. Part 430, Subpart B, Appendix R, entitled “Uniform Test Method for  
3 Measuring Average Lamp Efficacy (LE), Color Rendering Index (CRI), and  
4 Correlated Color Temperature (CCT) of Electric Lamps,” as in effect on  
5 January 3, 2017.

6 (16) Urinals and water closets, other than those designed and marketed  
7 exclusively for use at prisons or mental health facilities, shall meet the  
8 standards set forth in this subdivision (16) when tested in accordance with  
9 10 C.F.R. Part 430, Subpart B, Appendix T entitled “Uniform Test Method for  
10 Measuring the Water Consumption of Water Closets and Urinals,” as in effect  
11 on January 3, 2017 and shall pass the waste extraction test for water closets set  
12 forth in Sec. 7.10 of the American Society of Mechanical Engineers (ASME)  
13 standard A112.19.2-2013, as that standard exists on the effective date of this  
14 section.

15 (A) Wall-mounted urinals, except for trough-type urinals, shall have  
16 a maximum flush volume of 0.125 gallons per flush.

17 (B) Floor-mounted urinals, except for trough-type urinals, shall have  
18 a maximum flush volume of 0.5 gallons per flush.

19 (C) Water closets, except for dual-flush tank-type water closets, shall  
20 have a maximum flush volume of 1.28 gallons per flush.



1           (D) Dual-flush tank-type water closets shall have a maximum dual-  
2 flush effective flush volume of 1.28 gallons per flush.

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

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

8           (B) The CEER shall be measured in accordance with 10 C.F.R. Part  
9 430, Subpart B, Appendix CC, entitled “Uniform Test Method for Measuring  
10 the Energy Consumption of Portable Air Conditioners,” as in effect on  
11 January 3, 2017.

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

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

19           (20) Spray sprinkler bodies shall include an integral pressure regulator  
20 and shall meet the water efficiency and performance criteria and other  
21 requirements of the Environmental Protection Agency’s “WaterSense

1 Specification for Spray Sprinkler Bodies,” Version 1.0. However, this  
2 subdivision (20) shall not apply to spray sprinkler bodies that are specifically  
3 excluded from the scope of that specification.

4 (21) Telephones included in the scope of the “ENERGY STAR Program  
5 Product Specification for Telephony,” Version 3.0, shall meet the certification  
6 criteria of that specification, except that the performance requirements for  
7 external power supplies in section 3.2.2 of the specification shall not apply.

8 (22) In this subdivision (22), “final rule” means the document setting  
9 forth a final action by DOE with respect to a final rule for “Energy  
10 Conservation Standards for Uninterruptible Power Supplies,” docket no.  
11 EERE-2016-BT-STD-0022, approved by DOE on December 28, 2016.  
12 Uninterruptible power supplies that use a National Electrical Manufacturer  
13 Association (NEMA) 1-15P or 5-15P input plug and have an alternating  
14 current (AC) output shall have an average load-adjusted efficiency that meets  
15 or exceed the values shown to be codified under 10 C.F.R. § 430.32(z)(3) and  
16 set forth on pages 193–194 of the final rule. Compliance with these  
17 requirements shall be measured in accordance with 10 C.F.R. Part 430,  
18 Subpart B, Appendix Y, entitled “Uniform Test Method for Measuring the  
19 Energy Consumption of Battery Chargers,” as in effect on January 11, 2017.

20 (23) Water coolers included in the scope of the “ENERGY STAR  
21 Program Requirements Product Specification for Water Coolers,” Version 2.0,

1 shall have “on mode with no water draw” energy consumption less than or  
2 equal to the following values, measured in accordance with the test  
3 requirements of that specification:

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

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

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

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

9 § 2796. IMPLEMENTATION

10 \* \* \*

11 (d) On or after January 1, 2020, no new air compressor, commercial  
12 dishwasher, commercial fryer, commercial hot-food holding cabinet,  
13 commercial steam cooker, computer or computer monitor, faucet, high CRI  
14 fluorescent lamp, portable air conditioner, portable electric spa, residential  
15 ventilating fan, showerhead, spray sprinkler body, telephone, uninterruptible  
16 power supply, urinal, water closet, or water cooler may be sold or offered for  
17 sale, lease, or rent in the State unless the efficiency of the new product meets  
18 or exceeds the efficiency standards set forth in the rules adopted pursuant to  
19 section 2795 of this title.

20 (e) One year after the date upon which the sale or offering for sale of  
21 certain products becomes subject to the requirements of subsection (a) or (b),

1 (c), or (d) of this section, no new products ~~may~~ shall be installed for  
2 compensation in the State unless the efficiency of a new product meets or  
3 exceeds the efficiency standards set forth in the rules adopted pursuant to  
4 section 2795 of this title.

5 ~~(e)~~(f) Owners and operators of commercial and industrial facilities shall be  
6 allowed to ~~utilize~~ use appliances and equipment that do not meet the  
7 requirements of section 2795 of this title for the repair or replacement of  
8 existing equipment, provided that the equipment being repaired or replaced  
9 was acquired before the implementation date determined according to the  
10 provisions of this section. At the discretion of the owners and operators, these  
11 appliances and equipment may be used at any time before or after the effective  
12 date of those requirements.

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

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

18 However, this subdivision (A) shall not apply to any federal energy or water  
19 conservation standard set aside by a court of competent jurisdiction upon the  
20 petition of a person who will be adversely affected, as provided in 42 U.S.C.  
21 § 6306(b).

1 (B) A waiver of federal preemption is issued pursuant to 42 U.S.C.  
2 § 6297.

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

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

12 Sec. 6. RULEMAKING

13 On or before November 1, 2018, the Commissioner of Public Service shall  
14 file with the Secretary of State proposed rules to implement Secs. 2 through 4  
15 of this act.

16 Sec. 8. EFFECTIVE DATE

17 This act shall take effect on July 1, 2018.

18 (Committee vote: \_\_\_\_\_)

19 \_\_\_\_\_  
20 Representative \_\_\_\_\_  
21 FOR THE COMMITTEE