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UPDATED COMPARISON OF HOUSE AND SENATE VERSIONS

* * * Appliance Efficiency * * *

Sec. 1. PURPOSE

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

(b) The purpose of this act is to obtain the benefits found in 9 V.S.A. § 2792 for the following products to which the State’s efficiency standards under 9 V.S.A. chapter 74 do not currently apply: air compressors, commercial dishwashers, commercial fryers, commercial hot-food holding cabinets, commercial steam cookers, computers and computer monitors, faucets, high color rendering index fluorescent lamps, portable air conditioners, portable electric spas, residential ventilating fans, showerheads, spray sprinkler bodies, ~~telephones~~, uninterruptible power supplies, urinals, ~~water closets~~, and water coolers.

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

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

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

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

1 ~~(A) At a minimum, a computer includes:~~
2 ~~(i) a central processing unit (CPU) to perform operations or, if~~
3 ~~no CPU is present, then the device functions as a client gateway to a~~
4 ~~server, and the server acts as a computational CPU;~~
5 ~~(ii) the ability to support user input devices such as a~~
6 ~~keyboard, mouse, or touch pad; and~~
7 ~~(iii) an integrated display screen or the ability to support an~~
8 ~~external display screen to output information.~~

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

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

17 ~~(22) “Computer monitor” means an analog or digital device~~
18 ~~composed of a display screen and associated electronics that has a~~
19 ~~diagonal screen size greater than or equal to 17 inches and less than or~~
20 ~~equal to 61 inches, that has a pixel density of greater than 5,000 pixels per~~
21 ~~square inch (psi), and that is designed primarily for the display of~~

1 ~~computer-generated signals for viewing by one person in a desk-based~~
2 ~~environment. The term “computer monitor” does not include:~~

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

7 ~~(B) a television or signage display.~~

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

12 ~~(22) With respect to faucets and showerheads, the following definitions~~
13 ~~apply:~~

14 ~~(A) “Faucet” means a lavatory faucet, kitchen faucet, metering~~
15 ~~faucet, public lavatory faucet, or replacement aerator for a lavatory, public~~
16 ~~lavatory, or kitchen faucet. As used in this subdivision (24)(A):~~

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

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

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

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

6 (22)(B):

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

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

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

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

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

1 (26) With respect to portable air conditioners, the following definitions
2 apply:

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

9 (B) “Single-duct portable air conditioner” means a portable air
10 conditioner that draws all of the condenser inlet air from the conditioned space
11 without the means of a duct and discharges the condenser outlet air outside the
12 conditioned space through a single duct attached to an adjustable window
13 bracket.

14 (C) “Dual-duct portable air conditioner” means a portable air
15 conditioner that draws some or all of the condenser inlet air from outside the
16 conditioned space through a duct attached to an adjustable window bracket,
17 may draw additional condenser inlet air from the conditioned space, and
18 discharges the condenser outlet air outside the conditioned space by means of a
19 separate duct attached to an adjustable window bracket.

20 (27) “Residential ventilating fan” means a ceiling, wall-mounted, or
21 remotely mounted in-line fan designed to be used in a bathroom or utility

1 room, or a kitchen range hood, whose purpose is to move air from inside the
2 building to the outdoors.

3 (28) With respect to spray sprinkler bodies, the following definitions
4 apply:

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

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

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

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

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

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

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

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

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

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

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

5 (31) With respect to urinals ~~and water closets~~, the following definitions
6 apply:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 § 2794. SCOPE

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

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

21 (2) Metal halide lamp fixtures.

- 1 (3) Residential furnaces and residential boilers.
- 2 (4) Single-voltage external AC to DC power supplies.
- 3 (5) State-regulated incandescent reflector lamps.
- 4 (6) General service lamps.
- 5 (7) Air compressors.
- 6 (8) Commercial dishwashers.
- 7 (9) Commercial fryers.
- 8 (10) Commercial hot-food holding cabinets.
- 9 (11) Commercial steam cookers.
- 10 (12) Computers and computer monitors.
- 11 (13) Faucets.
- 12 (14) High CRI fluorescent lamps.
- 13 (15) Portable air conditioners.
- 14 (16) Portable electric spas.
- 15 (17) Residential ventilating fans.
- 16 (18) Showerheads.
- 17 (19) Spray sprinkler bodies.
- 18 (20) **Telephones.**
- 19 ~~(21)~~ Uninterruptible power supplies.
- 20 **(21) Urinals.**
- 21 **(23) Water closets.**

1 (22) Water coolers.

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

5 ~~(8)~~(24) Any other product that may be designated by the Commissioner
6 in accordance with section 2797 of this title.

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

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

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

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

14 (4) Products designed expressly for installation and use in recreational
15 vehicles.

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

17 § 2795. EFFICIENCY AND WATER CONSERVATION STANDARDS

18 (a) The Commissioner shall adopt rules in accordance with the provisions
19 of 3 V.S.A. chapter 25 establishing minimum efficiency standards for the types
20 of new products set forth in section 2794 of this title. The rules shall provide

1 for the following minimum efficiency standards for products sold or installed
2 in this State:

3 * * *

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

6 * * *

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

13 * * *

14 (6) In the rules, the Commissioner shall adopt minimum efficiency and
15 water conservation standards for each product that is subject to a standard
16 under 10 C.F.R. §§ 430 and 431 as those provisions existed on January 19,
17 2017. The minimum standard and the testing protocol for each product shall
18 be the same as adopted in those sections of the Code of Federal Regulations,
19 except that for faucets, showerheads, and urinals, and water closets, the
20 minimum standard and testing protocol shall be as otherwise set forth in this
21 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”**
21 **to 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”**
4 **and “computer monitor” and the minimum efficiency standards for**
5 **computers and computer monitors conform to subsequently adopted**
6 **modifications to the 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 ~~and water closets~~, other than those **trough-type urinals**
11 **and urinals** designed and marketed exclusively for use at prisons or mental
12 health facilities, shall ~~meet the standards set forth in this subdivision (16)~~ **have**
13 **a maximum flush volume of 0.5 gallons per flush** when tested in accordance
14 with 10 C.F.R. Part 430, Subpart B, Appendix T, entitled “Uniform Test
15 Method for Measuring the Water Consumption of Water Closets and Urinals,”
16 as in effect on January 3, 2017 and shall pass the waste extraction test for
17 water closets set forth in Sec. 7.10 of the American Society of Mechanical
18 Engineers (ASME) standard A112.19.2-2013/CSA B.45.1, as that standard
19 exists on the effective date of this section.

20 ~~(A) Urinals, except for trough-type urinals, shall have a~~
21 **maximum flush volume of 0.5 gallons per flush.**

1 ~~(B) Water closets, except for dual-flush tank-type water closets,~~
2 ~~shall have a maximum flush volume of 1.28 gallons per flush.~~

3 ~~(C) Dual-flush tank-type water closets shall have a maximum~~
4 ~~dual-flush effective flush volume of 1.28 gallons per flush.~~

5 (17) Portable air conditioners shall have a Combined Energy Efficiency
6 Ratio (CEER), that is greater than or equal to: $1.04 \times [SACC / (3.7177 \times$
7 $SACC^{0.6384})]$.

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

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

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

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

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

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

12 (22) In this subdivision (21), “final rule” means the document setting
13 forth a final action by DOE with respect to a final rule for “Energy
14 Conservation Standards for Uninterruptible Power Supplies,” docket no.
15 EERE-2016-BT-STD-0022, approved by DOE on December 28, 2016.
16 Uninterruptible power supplies that use a National Electrical Manufacturer
17 Association (NEMA) 1-15P or 5-15P input plug and have an alternating
18 current (AC) output shall have an average load-adjusted efficiency that meets
19 or exceed the values shown to be codified under 10 C.F.R. § 430.32(z)(3) and
20 set forth on pages 193–194 of the final rule. Compliance with these
21 requirements shall be measured in accordance with 10 C.F.R. Part 430,

1 Subpart B, Appendix Y, entitled “Uniform Test Method for Measuring the
2 Energy Consumption of Battery Chargers,” as in effect on January 11, 2017.

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

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

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

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

12 (b) When a minimum efficiency standard as described in subsection (a) of
13 this section sets forth requirements that change over time, the rules shall
14 provide for compliance with the changed requirements as they come into
15 effect.

16 (c) When a subdivision within subdivisions (a)(8) through (a)(22) of
17 this section requires compliance with an efficiency standard or testing
18 protocol contained in a document issued by an agency of the United
19 States, another state, or a nationally or internationally recognized
20 organization, the rules of the Commissioner may incorporate the specified

1 standard or protocol by reference pursuant to 3 V.S.A. § 838 rather than
2 setting forth its language.

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

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

11 § 2796. IMPLEMENTATION

12 * * *

13 ~~(d) One year after the date upon which the sale or offering for sale of~~
14 ~~certain products becomes subject to the requirements of subsection (a) or (b) of~~
15 ~~this section, no new products may be installed for compensation in the State~~
16 ~~unless the efficiency of a new product meets or exceeds the efficiency~~
17 ~~standards set forth in the rules adopted pursuant to section 2795 of this title.~~

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

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

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

14 **(4) This subdivision governs the date after which no new portable**
15 **air conditioner may be sold or offered for sale, lease, or rent in the State**
16 **unless the efficiency of the new product meets or exceeds the efficiency**
17 **standards set forth in the rules adopted pursuant to section 2795 of this**
18 **title (the compliance date).**

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

1 conservation standard set aside by a court of competent jurisdiction upon the
2 petition of a person who will be adversely affected, as provided in 42 U.S.C.
3 § 6306(b).

4 (B) A waiver of federal preemption is issued pursuant to 42 U.S.C.
5 § 6297.

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

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

15 Sec. 6. RULEMAKING

16 On or before May 1, 2019, the Commissioner of Public Service shall file
17 with the Secretary of State proposed rules to implement Secs. 2 through 4 of
18 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~~
5 ~~Procedure Act)~~ **Administrative Procedure Act**, make and revise such
6 plumbing rules as necessary for protection of the public health, except
7 that no rule of the ~~board~~ **Board** may require the installation or
8 maintenance of a water heater at a minimum temperature. To the extent
9 that a rule of the ~~board~~ **Board** conflicts with this subsection, that rule shall
10 be invalid and unenforceable. The rules shall be in effect in every city,
11 village, and town having a public water system or public sewerage system
12 and apply to all premises connected to the systems and all public buildings
13 containing plumbing or water treatment and heating specialties whether
14 they are connected to a public water or sewerage system. The local board
15 of health and the ~~commissioner of public safety~~ **Commissioner of Public**
16 **Safety** shall each have authority to enforce these rules. The rules shall be
17 limited to minimum performance standards reasonably necessary for the
18 protection of the public against accepted health hazards **and shall be**
19 **consistent with any minimum efficiency standards for plumbing fixtures**
20 **adopted under 9 V.S.A. chapter 74.** The ~~board~~ **Board** may, if it finds it
21 practicable to do so, adopt the provisions of a nationally recognized

1 **plumbing code and as needed shall adopt a Vermont-specific amendment**
2 **to the adopted code to ensure that it is consistent with any minimum**
3 **efficiency standards for plumbing fixtures adopted under 9 V.S.A.**
4 **chapter 74.**

5 * * *

6 * * * **Energy Planning** * * *

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

8 **§ 202b. STATE COMPREHENSIVE ENERGY PLAN**

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

14 **The Plan shall include:**

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

18 **(2) recommendations for State implementation actions, regulation,**
19 **legislation, and other public and private action to carry out the**
20 **Comprehensive Energy Plan, including recommendations for State agency**

1 energy plans under 3 V.S.A. § 2291 and transportation planning under
2 Title 19; and

3 (3) recommendations for regional and municipal energy planning
4 and standards for issuing a determination of energy compliance pursuant
5 to 24 V.S.A. § 4352.

6 * * *

7 (e) The Commissioner of Public Service (Commissioner) shall file an
8 annual report on progress in meeting the goals of the Plan. The report
9 shall address each of the following sectors of energy consumption in the
10 State: electricity, nonelectric fuels for thermal purposes, and
11 transportation. In preparing the report, the Commissioner shall consult
12 with the Secretaries of Administration, of Agriculture, Food and Markets,
13 of Natural Resources, and of Transportation and the Commissioner of
14 Buildings and General Services.

15 (1) The Commissioner shall file the report on or before January 15
16 of each year, commencing in 2019. The provisions of 2 V.S.A. § 20(d) shall
17 not apply to this report.

18 (2) The Commissioner shall file the report with the House
19 Committees on Energy and Technology and on Natural Resources, Fish,
20 and Wildlife and with the Senate Committees on Finance and on Natural
21 Resources and Energy.

1 **(3) For each sector, the report shall provide:**

2 **(A) In millions of British thermal units (MMBTUs) for the most**
3 **recent calendar year for which data are available, the total amount of**
4 **energy consumed, the amount of renewable energy consumed, and the**
5 **percentage of renewable energy consumed. For the electricity sector, the**
6 **report shall also state the amounts in megawatt hours (MWH) and the**
7 **Vermont and New England summer and winter peak electric demand,**
8 **including the hour and day of peak demand.**

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

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

17 **(4) The report shall include a supplemental analysis setting forth**
18 **how progress toward the goals of the Plan is supported by complementary**
19 **work in avoiding or reducing energy consumption through efficiency and**
20 **demand reduction. In this subdivision (4), “demand reduction” includes**

1 dispatchable measures, such as controlling appliances that consume
2 energy, and nondispatchable measures, such as weatherization.

3 (5) The report shall include recommendations on methods to
4 enhance the process for planning, tracking, and reporting progress
5 toward meeting statutory energy goals and the goals of the Plan. Such
6 recommendations may include the consolidation of one or more periodic
7 reports filed by the Department or other State agencies relating to
8 renewable energy, with proposals for amending the statutes relevant to
9 those reports.

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

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

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

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

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

18 **§ 218c. LEAST-COST INTEGRATED PLANNING**

19 * * *

20 **(b) Each regulated electric or gas company shall prepare and**
21 **implement a least-cost integrated plan for the provision of energy services**

1 to its Vermont customers. At least every third year on a schedule directed
2 by the Public Utility Commission, each such company shall submit a
3 proposed plan to the Department of Public Service and the Public Utility
4 Commission. The Commission, after notice and opportunity for hearing,
5 may approve a company’s least-cost integrated plan if it determines that
6 the company’s plan complies with the requirements of subdivision (a)(1)
7 of this section and of sections 8004 and 8005 of this title and is consistent
8 with the goals of the Comprehensive Energy Plan issued under section
9 202b of this title.

10 * * *

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

12 **§ 10b. STATEMENT OF POLICY; GENERAL**

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

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

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

6 **(b) The Agency shall coordinate planning and education efforts with**
7 **those of the Vermont Climate Change Oversight Committee and those of**
8 **local and regional planning entities:**

9 **(1) to ~~assure~~ ensure that the transportation system as a whole is**
10 **integrated, that access to the transportation system as a whole is**
11 **integrated, and that statewide, local, and regional conservation and**
12 **efficiency opportunities and practices are integrated; and**

13 **(2) to support ~~employer~~ employer-led or local or regional**
14 **government-led conservation, efficiency, rideshare, and bicycle programs**
15 **and other innovative transportation advances, especially employer-based**
16 **incentives.**

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

1 **January 15, 2010 and each sixth year subsequent to 2010. The Plan shall**
2 **be consistent with the Comprehensive Energy Plan (CEP) issued under 30**
3 **V.S.A. § 202b. The Plan shall accomplish the following objectives and**
4 **requirements:**

5 * * *

6 **Sec. 13. REPORTS; ELECTRIC GENERATION CONSTRAINTS**

7 **(a) As used in this section, “SHEI” means the Sheffield-Highgate**
8 **Export Interface.**

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

15 **(c) The Commission has pending before it several contested cases**
16 **raising issues pertaining to electric generation and the SHEI area and a**
17 **noncontested case proceeding related to the Standard Offer Program**
18 **under 30 V.S.A. § 8005a in which the Commission may examine issues**
19 **related to ensuring that standard offer projects are proposed in areas that**
20 **do not result in additional costs to the electric transmission or distribution**
21 **system or that provide the greatest benefit to the system. The**

1 **Commission’s written submission under this section shall include all of the**
2 **following:**

3 **(1) For each of those contested cases, a summary of its findings and**
4 **conclusions on the merits of the issue or issues in the case related to the**
5 **SHEI area. This subdivision (1) does not require the Commission to**
6 **provide a summary for a contested case in which it has not issued a final**
7 **order on the merits.**

8 **(2) For the proceeding related to the Standard Offer Program, a**
9 **summary of its decisions to date of the submission on issues related to**
10 **siting standard offer projects in areas that do not result in additional costs**
11 **to the electric transmission or distribution system or that provide the**
12 **greatest benefit to the system.**

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

14 **(d) The Department shall submit a written report to assist the General**
15 **Assembly, renewable energy developers, and electric utilities to plan for**
16 **the deployment of renewable electric generation in a manner that is**
17 **consistent with the goals, requirements, and programs related to**
18 **renewable energy set forth or established in 30 V.S.A. chapter 89, the**
19 **statutory goals for greenhouse gas reduction at 10 V.S.A. § 578, and the**
20 **goals and recommendations of the 2016 Comprehensive Energy Plan.**

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

4 **(A) How to manage demands on the State’s electric transmission**
5 **and distribution system that relate to or affect the deployment of**
6 **renewable electric generation. The Department shall identify and review**
7 **areas of the State, such as the SHEI area, in which generation that is**
8 **interconnected to the electric transmission and distribution system faces**
9 **constraints due to system capacity and conditions, including the**
10 **relationship of interconnected generation to existing load (the identified**
11 **constrained areas).**

12 **(B) How to encourage the deployment of all types of renewable**
13 **electric generation while minimizing curtailment of such generation.**

14 **(C) How to facilitate meeting the distributed renewable**
15 **generation and energy transformation requirements of the Renewable**
16 **Energy Standard at 30 V.S.A. §§ 8004–8005 in light of the identified**
17 **constrained areas.**

18 **(D) Whether, until resolution of the constraints in the identified**
19 **constrained areas, to allocate among all electric distribution utilities in the**
20 **State the incremental costs to utilities caused by siting in those areas**
21 **renewable electric generation that was or is encouraged by or used to meet**

1 **a current or former program under 30 V.S.A. chapter 89 or that is**
2 **designed or proposed to achieve a goal or recommendation of the 2016**
3 **Comprehensive Energy Plan and, if so, to propose a method for such**
4 **allocation.**

5 **(E) The role of energy storage in the deployment of renewable**
6 **electric generation.**

7 **(F) Recommended methods to guide where renewable electric**
8 **generation should be located in the State.**

9 **(G) Recommended methods to guide the location in the State of**
10 **end users that consume significant amounts of electric energy.**

11 **(H) Other relevant issues as determined by the Department.**

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

1 **any other person who requests such notice or whom the Department may**
2 **determine to notify.**

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

9 **Sec. 14. RENEWABLE ENERGY STANDARD (RES) RULEMAKING**

10 **2015 Acts and Resolves No. 56, Sec. 8(d) is amended to read:**

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

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

2 **Electric Vehicles * * ***

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

4 **§ 1104. STOPPING PROHIBITED**

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

8 *** * ***

9 **(3) Park a vehicle, whether occupied or not, except temporarily for**
10 **the purpose of and while actually engaged in loading or unloading**
11 **merchandise or a passenger:**

12 **(A) within 50 feet of the nearest rail of a railroad crossing;**

13 **(B) at any place where official signs prohibit parking;**

14 **(C) at any place where official signs restrict parking at an electric**
15 **vehicle charging station and the vehicle violates the restrictions.**

16 *** * ***

17 **Sec. 16. 23 V.S.A. § 1106 is amended to read:**

18 **§ 1106. LIMITATIONS ON USE OF STATE HIGHWAY FACILITIES**

19 **(a) As used in this section, “State highway facility” means a State**
20 **highway rest area, picnic ground, parking area, or park-and-ride facility.**

1 **(b) No person shall enter or remain on any State highway facility for**
2 **the purpose of overnight camping unless the particular facility has been**
3 **designated for that purpose by the Traffic Committee.**

4 **(c)(1) On the basis of an engineering and traffic investigation or**
5 **findings as to adverse effects on the quiet enjoyment and property values**
6 **of people living adjacent to a State highway facility, the Traffic Committee**
7 **may designate the size and types of vehicles allowed to park in a State**
8 **highway facility or in particular areas of a State highway facility.**

9 **(2) In addition, the Secretary may prescribe special restrictions**
10 **related to parking of plug-in electric vehicles in designated areas of a State**
11 **highway facility.**

12 **(d) Notice of the prohibitions or restrictions under this section shall be**
13 **posted at the affected facilities by regulatory signs conforming to the**
14 **Manual on Uniform Traffic Control Devices.**

15 **Sec. 17. 23 V.S.A. § 1008a is amended to read:**

16 **§ 1008a. REGULATION OF MOTOR VEHICLES AT STATE**

17 **AIRPORTS**

18 **(a)(1) The Secretary may adopt rules governing the operation, use, and**
19 **parking of motor vehicles on the grounds of State airports, including the**
20 **access roads.**

