
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 755 Session of
2023

INTRODUCED BY L. WILLIAMS, TARTAGLIONE, KEARNEY, COMITTA,
HUGHES, FONTANA, COSTA, SCHWANK, MUTH, KANE, HAYWOOD,
CAPPELLETTI, COLLETT AND DILLON, JUNE 6, 2023

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
JUNE 6, 2023

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, in public utility code, providing for
3 minimum energy and water efficiency standards for certain
4 products sold in this Commonwealth; and imposing penalties.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Part I of Title 66 of the Pennsylvania
8 Consolidated Statutes is amended by adding a chapter to read:

9 CHAPTER 34

10 MINIMUM ENERGY AND WATER EFFICIENCY STANDARDS FOR CERTAIN
11 PRODUCTS SOLD IN THIS COMMONWEALTH

12 Sec.

13 3401. Short title of chapter.

14 3402. General purpose, legislative findings and scope of
15 chapter.

16 3403. Definitions.

17 3404. Standards.

18 3405. Implementation.

1 3406. New and revised standards and regulations.

2 3407. Testing, certification, labeling and enforcement.

3 § 3401. Short title of chapter.

4 This chapter shall be known and may be cited as the

5 Pennsylvania Energy and Water Efficiency Standards Act.

6 § 3402. General purpose, legislative findings and scope of
7 chapter.

8 (a) General purpose.--This chapter establishes minimum
9 energy and water efficiency standards for certain products sold
10 or installed in this Commonwealth.

11 (b) Legislative findings.--The General Assembly finds that:

12 (1) Efficiency standards for certain products sold or
13 installed in this Commonwealth assure consumers and
14 businesses that the products meet minimum efficiency
15 performance levels, resulting in reduced energy and water
16 waste and saving consumers and businesses money on utility
17 bills.

18 (2) Efficiency standards contribute to the economy of
19 this Commonwealth by helping to better balance supply and
20 demand for both energy and water, resulting in reduced
21 pressure that creates higher natural gas, electricity and
22 water prices. By saving consumers and businesses money on
23 utility bills, efficiency standards help the Commonwealth and
24 local economy save on utility bills that can be spent on
25 local goods and services.

26 (3) The efficiency standards save energy and thus reduce
27 pollution and other environmental impacts associated with the
28 production, distribution and use of electricity, natural gas
29 and other fuels.

30 (4) The water efficiency standards save water and thus

1 reduce the strain on the water supply. Improved water
2 efficiency can reduce or delay the need for water and sewer
3 infrastructure improvements.

4 (5) The efficiency standards can make electricity and
5 natural gas systems more reliable by reducing the strain on
6 systems during peak demand periods. Improved efficiency can
7 reduce or delay the need for new power plants, power
8 transmission lines and power distribution system upgrades as
9 well as new and expanded gas pipelines.

10 (c) Scope.--The provisions of this chapter apply to:

- 11 (1) Commercial dishwashers.
- 12 (2) Commercial fryers.
- 13 (3) Commercial hot-food holding cabinets.
- 14 (4) Commercial ovens.
- 15 (5) Commercial steam cookers.
- 16 (6) Faucets.
- 17 (7) Gas fireplaces.
- 18 (8) High CRI, cold-temperature and impact-resistant
19 fluorescent lamps.
- 20 (9) Portable electric spas.
- 21 (10) Residential ventilating fans.
- 22 (11) Showerheads.
- 23 (12) Spray sprinkler bodies.
- 24 (13) Urinals.
- 25 (14) Water closets.
- 26 (15) Water coolers.
- 27 (16) Any other products as may be designated by the
28 chairperson in accordance with this section or by operation
29 of law under section 3407 (relating to testing,
30 certification, labeling and enforcement).

1 (d) Limitation.--Nothing in this chapter may be construed to
2 apply to:

3 (1) New products manufactured in this Commonwealth and
4 sold outside of this Commonwealth.

5 (2) New products manufactured outside of this
6 Commonwealth and sold at wholesale inside this Commonwealth
7 for final retail sale and installation outside of this
8 Commonwealth.

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

11 (4) Products designed expressly for installation and use
12 in recreational vehicles.

13 § 3403. Definitions.

14 The following words and phrases when used in this chapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Chairperson." The chairperson of the commission.

18 "Cold-only units." A water cooler that emits cold water
19 only.

20 "Cold-temperature fluorescent lamp." A fluorescent lamp that
21 is not a compact fluorescent lamp that:

22 (1) is specifically designed to start at -20°F when used
23 with a ballast conforming to the requirements of ANSI C78.81
24 and ANSI C78.901; and

25 (2) is expressly designated as a cold-temperature lamp
26 both in markings on the lamp and in marketing materials,
27 including catalogs, sales literature and promotional
28 material.

29 "Commercial dishwasher." A machine designed to clean and
30 sanitize plates, pots, pans, glasses, cups, bowls, utensils and

1 trays by applying sprays of detergent solution, with or without
2 blasting media granules, and a sanitizing rinse.

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

11 "Commercial hot-food holding cabinet." A heated, fully
12 enclosed compartment with one or more solid or transparent
13 doors, designed to maintain the temperature of hot food that has
14 been cooked using a separate appliance. The term does not
15 include heated glass merchandizing cabinets, drawer warmers or
16 cook-and-hold appliances.

17 "Commercial oven." A chamber designed for heating, roasting
18 or baking food by conduction, convection, radiation or
19 electromagnetic energy.

20 "Commercial steam cooker" or "compartment steamer." A device
21 with one or more food-steaming compartments in which the energy
22 in the steam is transferred to the food by direct contact. The
23 term may include countertop models, wall-mounted models and
24 floor models mounted on a stand, pedestal or cabinet-style base.

25 "Compensation." Money or any other source of value,
26 regardless of form, received or to be received by a person for
27 services rendered.

28 "Cook and cold units." A water cooler that emits both cold
29 and room-temperature water.

30 "Decorative gas fireplace." A vented fireplace, including an

1 appliance that is freestanding, recessed, zero clearance or a
2 gas fireplace insert, that is fueled by natural gas or propane,
3 is marked for decorative use only and is not equipped with a
4 thermostat or intended for use as a heater.

5 "Dual-flush effective flush volume." The average flush
6 volume of two reduced flushes and one full flush.

7 "Dual-flush water closet." A water closet incorporating a
8 feature that allows the user to flush the water closet with
9 either a reduced or full volume of water.

10 "EPA." The United States Environmental Protection Agency.

11 "Faucet." A private lavatory faucet, residential kitchen
12 faucet, metering faucet, public lavatory faucet or replacement
13 aerator for a private lavatory, public lavatory or residential
14 kitchen faucet.

15 "Gas fireplace." A decorative gas fireplace or heating gas
16 fireplace.

17 "Hand-held showerhead." A showerhead that can be held or
18 fixed in place for the purpose of spraying water onto a bather
19 and that is connected to a flexible hose.

20 "Heating gas fireplace." A vented fireplace, including an
21 appliance that is freestanding, recessed, zero clearance or a
22 gas fireplace insert, that is fueled by natural gas or propane
23 and which is not a decorative fireplace.

24 "High color rendering index (CRI) fluorescent lamp." A
25 fluorescent lamp with a color rendering index of 87 or greater
26 that is not a compact fluorescent lamp.

27 "Hot and cold units." A water cooler that emits both hot and
28 cold water. The term includes a cooler that emits room-
29 temperature water.

30 "Impact-resistant fluorescent lamp." A fluorescent lamp that

1 is not a compact fluorescent lamp that:

2 (1) has a coating or equivalent technology that is
3 compliant with NSF/ANSI 51 and is designed to contain the
4 glass if the glass envelope of the lamp is broken; and

5 (2) is designated and marketed for the intended
6 application with:

7 (i) the designation on the lamp packaging; and

8 (ii) marketing materials that identify the lamp as
9 being impact resistant, shatter resistant, shatter proof
10 or shatter protected.

11 "Metering faucet." A self-closing faucet that dispenses a
12 specific volume of water for each actuation cycle. For the
13 purpose of this definition, the volume or cycle duration can be
14 fixed or adjustable.

15 "Plumbing fixture." An exchangeable device that connects to
16 a plumbing system to deliver and drain away water and waste.

17 "Portable electric spa." A factory-built electric spa or hot
18 tub that is supplied with equipment for heating and circulating
19 water at the time of sale or sold separately for subsequent
20 attachment.

21 "Pressure regulator." A device that maintains constant
22 operating pressure immediately downstream from the device, given
23 higher pressure upstream.

24 "Public lavatory faucet." A fitting intended to be installed
25 in nonresidential bathrooms that are exposed to walk-in traffic.

26 "Replacement aerator." An aerator sold as a replacement,
27 separate from the faucet to which it is intended to be attached.

28 "Residential ventilating fan." A ceiling-mounted or wall-
29 mounted fan or remotely mounted in-line fan designed to be used
30 in a bathroom or utility room, whose purpose is to move air from

1 inside the building to the outdoors.

2 "Showerhead." A component or set of components distributed
3 in commerce for attachment to a single supply fitting for
4 spraying water onto a bather, typically from an overhead
5 position. The term does not include a safety showerhead.

6 "Spray sprinkler body." The exterior case or shell of a
7 sprinkler incorporating a means of connection to the piping
8 system designed to convey water to a nozzle or orifice.

9 "Storage type." The storage of thermally conditioned water
10 in a reservoir in the water cooler that is available
11 instantaneously. The term includes point-of-use, dry storage
12 compartment and bottled water coolers.

13 "Trough-type urinal." A urinal designed for simultaneous use
14 by two or more individuals.

15 "Urinal." A plumbing fixture that receives only liquid body
16 waste and conveys the waste through a trap into a drainage
17 system.

18 "Water closet." A plumbing fixture having a water-containing
19 receptor that receives liquid and solid body waste through an
20 exposed integral trap into a drainage system.

21 "Water cooler." A freestanding device that consumes energy
22 to cool or heat potable water.

23 § 3404. Standards.

24 (a) Regulations.--Not later than one year after the
25 effective date of this section, the chairperson, in consultation
26 with the Secretary of Environmental Protection, shall promulgate
27 regulations, in accordance with the provisions of section 502 of
28 the act of June 28, 1995 (P.L.89, No.18), known as the
29 Conservation and Natural Resources Act, establishing minimum
30 efficiency standards for the types of new products set forth in

1 section 3402 (relating to general purpose, legislative findings
2 and scope of chapter).

3 (b) Minimum standards.--The regulations shall provide for
4 the following minimum efficiency standards:

5 (1) Commercial dishwashers included in the scope of
6 version 2.0 of the EPA's "Energy Star Program Requirements
7 Product Specification for Commercial Dishwashers" shall meet
8 the qualification criteria of that specification.

9 (2) Commercial fryers included in the scope of version
10 2.0 of the EPA's "Energy Star Program Requirements Product
11 Specification for Commercial Fryers" shall meet the
12 qualification criteria of that specification.

13 (3) Commercial hot-food holding cabinets shall meet the
14 qualification criteria of version 2.0 of the EPA's "Energy
15 Star Program Requirements Product Specification for
16 Commercial Hot Food Holding Cabinets."

17 (4) Commercial ovens included in the scope of version
18 2.2 of the EPA's "Energy Star Program Requirements Product
19 Specification for Commercial Ovens" shall meet the
20 qualification criteria of that specification.

21 (5) Commercial steam cookers shall meet the requirements
22 of version 1.2 of the EPA's "Energy Star Program Requirements
23 Product Specification for Commercial Steam Cookers."

24 (6) Faucets, except for metering faucets, shall meet the
25 following standards when tested in accordance with 10 CFR Pt.
26 430 Appendix S to Subpt. B (relating to uniform test method
27 for measuring the water consumption of faucets and
28 showerheads):

29 (i) Private lavatory faucets and replacement
30 aerators may not exceed a maximum flow rate of 1.5

1 gallons per minute (gpm) at 60 pounds per square inch
2 (psi).

3 (ii) Residential kitchen faucets and replacement
4 aerators may not exceed a maximum flow rate of 1.8 gpm at
5 60 psi, with optional temporary flow of 2.2 gpm, provided
6 they default to a maximum flow rate of 1.8 gpm at 60 psi
7 after each use.

8 (iii) Public lavatory faucets and replacement
9 aerators may not exceed a maximum flow rate of 0.5 gpm at
10 60 psi.

11 (7) Gas fireplaces shall comply with the following
12 requirements:

13 (i) Gas fireplaces shall be capable of automatically
14 extinguishing a pilot flame when the main gas burner
15 flame is extinguished.

16 (ii) Gas fireplaces shall prevent an ignition source
17 for the main gas burner flame from operating continuously
18 for more than seven days from last use of the main gas
19 burner.

20 (iii) Heating gas fireplaces shall have a fireplace
21 efficiency equal to or greater than 50% when tested in
22 accordance with CSA P.4.1:15, "Testing Method For
23 Measuring Fireplace Efficiency," as amended or revised.

24 (8) High CRI, cold-temperature and impact-resistant
25 fluorescent lamps shall meet the minimum efficiency
26 requirements contained in 10 CFR 430.32(n)(4) (relating to
27 energy and water conservation standards and their compliance
28 dates) in effect on January 1, 2023, as measured in
29 accordance with 10 CFR Pt. 430 Appendix R to Subpt. B
30 (relating to uniform test method for measuring electrical and

1 photometric characteristics of general service fluorescent
2 lamps, incandescent reflector lamps, and general service
3 incandescent lamps) in effect on January 1, 2023.

4 (9) Portable electric spas shall meet the requirements
5 contained in ANSI/APSP/ICC-14-2019, the American National
6 Standard for Portable Electric Spa Energy Efficiency.

7 (10) In-line residential ventilating fans shall have a
8 fan motor efficacy of no less than 2.8 cubic feet per minute
9 per watt. All other residential ventilating fans shall have a
10 fan motor efficacy of no less than 1.4 cubic feet per minute
11 per watt for airflows less than 90 cubic feet per minute and
12 no less than 2.8 cubic feet per minute per watt for other
13 airflows when tested in accordance with Home Ventilation
14 Institute Publication 916 "HVI Airflow Test Procedure."

15 (11) Showerheads may not exceed a maximum flow rate of
16 1.8 gpm at 80 psi when tested in accordance with 10 CFR Pt.
17 430 Appendix S to Subpt. B in effect on January 1, 2023.

18 (12) Spray sprinkler bodies that are not specifically
19 excluded from the scope of version 1.0 of the EPA's
20 "WaterSense Specification for Spray Sprinkler Bodies," shall
21 include an integral pressure regulator and shall meet the
22 water efficiency and performance criteria and other
23 requirements of that specification.

24 (13) Water closets shall pass the waste extraction test
25 for water closets under section 7.9 of the American Society
26 of Mechanical Engineers (ASME) contained in A112.19.2/CSA
27 B45.1 of 2018. Urinals and water closets, other than those
28 designed and marketed exclusively for use at prisons or
29 mental health facilities, shall meet the following standards
30 when tested in accordance with 10 CFR Pt. 430 Appendix T to

1 Subpt. B (relating to uniform test method for measuring the
2 water consumption of water closets and urinals):

3 (i) Wall-mounted urinals, except for trough-type
4 urinals, shall have a maximum flush volume of 0.5 gallons
5 per flush.

6 (ii) Floor-mounted urinals, except for trough-type
7 urinals, shall have a maximum flush volume of 0.5 gallons
8 per flush.

9 (iii) Water closets, except for dual-flush tank-type
10 water closets, shall have a maximum flush volume of 1.28
11 gallons per flush.

12 (iv) Dual-flush tank-type water closets shall have a
13 maximum dual-flush effective flush volume of 1.28 gallons
14 per flush.

15 (14) Water coolers included in the scope of the EPA's
16 version 2.0 "Energy Star Program Requirements Product
17 Specification for Water Coolers" shall have an on mode with
18 no water draw and energy consumption less than or equal to
19 the following values as measured in accordance with the test
20 requirements of that program:

21 (i) 0.16 kilowatt-hours per day for cold-only units
22 and cook and cold units;

23 (ii) 0.87 kilowatt-hours per day for storage type
24 hot and cold units; and

25 (iii) 0.18 kilowatt-hours per day for on demand hot
26 and cold units.

27 § 3405. Implementation.

28 (a) Requirement of efficiency.--Except as provided in
29 subsection (b), on or after July 1, 2025, no new device listed
30 under section 3402(c) (relating to general purpose, legislative

1 findings and scope of chapter) may be sold or offered for sale,
2 lease or rent in this Commonwealth unless the efficiency of the
3 new product meets or exceeds the efficiency standards provided
4 in section 3404 (relating to standards).

5 (b) Restriction on installation.--One year after the date on
6 which the sale or offering for sale of certain products becomes
7 subject to the requirements of subsection (a), no products may
8 be installed for compensation in this Commonwealth unless the
9 efficiency of the new product meets or exceeds the efficiency
10 standards provided in section 3404.

11 § 3406. New and revised standards and regulations.

12 The commission shall prescribe rules and regulations as it
13 deems necessary to administer and enforce this chapter and to
14 establish increased efficiency standards for the products listed
15 or incorporated in section 3402 (relating to general purpose,
16 legislative findings and scope of chapter). The chairperson may
17 also establish standards for products not specifically listed in
18 section 3402. In considering the new or amended standards, the
19 chairperson, in consultation with the Secretary of Environmental
20 Protection, shall set efficiency standards on a determination
21 that increased efficiency standards would serve to promote
22 energy or water conservation in this Commonwealth and would be
23 cost effective for consumers who purchase and use the new
24 products, provided that no new or increased efficiency standards
25 shall become effective within one year following the adoption of
26 any amended regulations establishing increased efficiency
27 standards.

28 § 3407. Testing, certification, labeling and enforcement.

29 (a) Product testing.--The manufacturer of products covered
30 by this chapter shall test samples of their products in

1 accordance with the test procedures adopted under this chapter.
2 The chairperson may adopt updated test methods when new versions
3 of test procedures become available.

4 (b) Compliance.--Manufacturers of new products covered by
5 section 3402 (relating to general purpose, legislative findings
6 and scope of chapter) shall certify to the chairperson, or to an
7 approved third party as determined by the chairperson, that the
8 products are in compliance with the provisions of this chapter.
9 The certifications shall be based on test results under
10 subsection (a). The commission shall promulgate regulations
11 governing the certification of the products and shall coordinate
12 with the certification programs of other Federal and state
13 agencies with similar standards.

14 (c) Compliance mark, label or tag on product.--Manufacturers
15 of new products covered under section 3402 shall identify each
16 product offered for sale or installation in this Commonwealth as
17 in compliance with the provisions of this chapter by means of a
18 mark, label or tag on the product or packaging at the time of
19 sale or installation. The commission shall promulgate
20 regulations governing the identification of the products or
21 packaging, which shall be coordinated to the greatest practical
22 extent with the labeling programs of other Federal and state
23 agencies with equivalent efficiency standards. The chairperson
24 shall allow the use of existing marks, labels or tags, which
25 connote compliance with the efficiency requirements of this
26 chapter.

27 (d) Chairperson testing permitted.--The chairperson may test
28 products covered by section 3402. If tested products are found
29 not to be in compliance with the minimum efficiency standards
30 established under section 3404 (relating to standards), the

1 chairperson shall:

2 (1) charge the manufacturer of the product for the cost
3 of product purchase and testing; and

4 (2) make information available to the Attorney General
5 and the public on products found not to be in compliance with
6 the standards.

7 (e) Periodic inspections.--The chairperson may cause
8 periodic inspections to be made of distributors or retailers of
9 new products covered under section 3402 in order to determine
10 compliance with the provisions of this chapter.

11 (f) Complaint process.--The chairperson shall investigate
12 complaints received concerning violations of this chapter and
13 shall report the results of the investigations to the Attorney
14 General. The Attorney General may institute proceedings to
15 enforce the provisions of this chapter. A manufacturer,
16 distributor or retailer, or a person who installs a product
17 covered by this chapter for compensation, who violates any
18 provision of this chapter shall be issued a warning by the
19 chairperson for any first violation. A manufacturer, distributor
20 or retailer or a person who violates the provisions of this
21 chapter after the issuance of a warning by the chairperson for a
22 first violation shall be subject to a civil penalty of up to
23 \$100 for each offense. Repeat violations shall be subject to a
24 civil penalty of not more than \$500 for each offense. Each
25 violation shall constitute a separate offense and each day the
26 violation continues shall constitute a separate offense.
27 Penalties assessed under this subsection are in addition to
28 costs assessed under subsection (d).

29 Section 2. All regulations and parts of regulations are
30 abrogated to the extent of any inconsistency with the provisions

1 of this act.

2 Section 3. All acts and parts of acts are repealed insofar
3 as they are inconsistent with the provisions of this act.

4 Section 4. This act shall take effect in 60 days.