

WSR 07-01-117

PROPOSED RULES

DEPARTMENT OF COMMUNITY, TRADE

AND ECONOMIC DEVELOPMENT

[Filed December 20, 2006, 11:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-15-138.

Title of Rule and Other Identifying Information: Appliance energy efficiency, establish rules for the identification, certification for compliance with the statute, and packaging of products listed in [chapter 19.260 RCW](#).

Hearing Location(s): Washington Department of Community, Trade and Economic Development, 906 Columbia Street S.W., Olympia, WA 98504, on January 23, 2006 [2007], at 1 p.m. - 2 p.m.

Date of Intended Adoption: February 20, 2007.

Submit Written Comments to: Cory Plantenberg, P.O. Box 42525, Olympia, WA 98502-2525, e-mail coryp@cted.wa.gov, fax (360) 725-3111, by January 31, 2006 [2007].

Assistance for Persons with Disabilities: Contact Carolee Sharp by January 15, 2007, TTY (360) 586-0772 or (360) 725-3118.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Adopt rules that establish efficiency standards for certain products sold or installed in the state assure consumers and businesses that such products meet minimum efficiency performance levels thus saving energy and money on utility bills.

Reasons Supporting Proposal: These rules will bring Washington into alignment with other states that have implemented or are implementing appliance efficiency standards.

Statutory Authority for Adoption: [Chapter 19.260 RCW](#) states: The department may adopt rules as necessary to ensure the proper implementation and enforcement of this chapter.

- The department shall establish rules governing the identification of these products and packaging,

which shall be coordinated to the greatest practical extent with the labeling programs of other states and federal agencies with equivalent efficiency standards.

- The department shall establish rules governing the certification of these products and may coordinate with the certification programs of other states and federal agencies with similar standards.

Statute Being Implemented: Chapter 298, Laws of 2005 and chapter 194, Laws of 2006 codified as [RCW 19.260.040](#).

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The original CR-101 was filed under HB 1062, Laws of 2005.

Name of Proponent: Washington department of community, trade and economic development, governmental.

Name of Agency Personnel Responsible for Drafting: Cory Plantenberg, Olympia, (360) 725-3111; Implementation: Elizabeth Klumpp, Olympia, (360) 725-3113; and Enforcement: Tony Usibelli, Olympia, (360) 725-3110.

No small business economic impact statement has been prepared under [chapter 19.85 RCW](#). The appliances addressed by this bill are manufactured by large companies that do business nationally.

A cost-benefit analysis is not required under [RCW 34.05.328](#). This rule adopts House Bill 1062 of the Laws of 2005 and Senate Bill 6840 of the Laws of 2006.

December 20, 2006

Marie Sullivan, Director

Government Relations

OTS-9461.1

NEW SECTION

WAC 194-24-010 Authority. The authority to develop these rules is granted to the department in Title 19.260 RCW.

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NEW SECTION

WAC 194-24-020 Purpose. The purpose of these rules is to establish efficiency standards for certain products sold or installed in the state assuring consumers and businesses that such products meet minimum efficiency performance levels thus saving energy and money on utility bills. This chapter applies equally to products regardless of whether they are sold, offered for sale, or installed as a stand-alone product or as a component of another product.

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NEW SECTION

WAC 194-24-030 Definitions. The following words and terms have the following meanings for the purposes of this chapter unless otherwise indicated:

(1) "Automatic commercial ice cube machine" means a factory-made assembly, not necessarily shipped in one package, consisting of a condensing unit and ice-making section operating as an integrated unit with means for making and harvesting ice cubes. It may also include integrated components for storing or dispensing ice, or both.

(2) "Ballast" means a device used with an electric discharge lamp to obtain necessary circuit conditions, such as voltage, current, and waveform, for starting and operating the lamp.

(3) "Commercial clothes washer" means a soft mount horizontal or vertical-axis clothes washer that:

(a) Has a clothes container compartment no greater than 3.5 cubic feet in the case of a horizontal-axis product or no greater than 4.0 cubic feet in the case of a vertical-axis product; and

(b) Is designed for use by more than one household, such as in multifamily housing, apartments, or coin laundries.

(4) "Commercial prerinse spray valve" means a handheld device designed and marketed for use with commercial dishwashing and warewashing equipment and that sprays water on dishes, flatware, and other food service items for the purpose of removing food residue prior to their cleaning.

(5)(a) "Commercial refrigerators and freezers" means refrigerators, freezers, or refrigerator-freezers designed for use by commercial or institutional facilities for the purpose of storing or merchandising food products, beverages, or ice at specified temperatures that:

(i) Incorporate most components involved in the vapor-compression cycle and the refrigerated compartment in a single cabinet; and

(ii) may be configured with either solid or transparent doors as a reach-in cabinet, pass-through cabinet, roll-in cabinet, or roll-through cabinet.

(b) "Commercial refrigerators and freezers" does not include:

(i) Products with 85 cubic feet or more of internal volume;

(ii) Walk-in refrigerators or freezers;

(iii) Consumer products that are federally regulated pursuant to 42 U.S.C. Sec. 6291 et seq.;

(iv) Products without doors; or

(v) Freezers specifically designed for ice cream.

(6) "Compensation" means money or any other valuable thing, regardless of form, received or to be received by a person for services rendered.

(7) "Department" means the department of community, trade, and economic development.

(8) "High-intensity discharge lamp" means a lamp in which light is produced by the passage of an electric current through a vapor or gas, and in which the light-producing arc is stabilized by bulb wall temperature and the arc tube has a bulb wall loading in excess of three watts per square centimeter.

(9) "Metal halide lamp" means a high-intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.

(10) "Metal halide lamp fixture" means a light fixture designed to be operated with a metal halide lamp and a ballast for a metal halide lamp.

(11) "Pass-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on both the front and rear of the unit.

(12) "Probe-start metal halide ballast" means a ballast used to operate metal halide lamps which does not contain an igniter and which instead starts lamps by using a third starting electrode "probe" in the arc tube.

(13) "Reach-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors or lids, but does not include roll-in or roll-through cabinets or pass-through cabinets.

(14)(a) "Roll-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors that allow wheeled racks of product to be rolled into the unit.

(b) "Roll-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on two sides of the cabinet that allow wheeled racks of product to be rolled through the unit.

(15)(a) "Single-voltage external AC to DC power supply" means a device that:

(i) Is designed to convert line voltage alternating current input into lower voltage direct current output;

(ii) Is able to convert to only one DC output voltage at a time;

(iii) Is sold with, or intended to be used with, a separate end-use product that constitutes the primary power load;

(iv) Is contained within a separate physical enclosure from the end-use product;

(v) Is connected to the end-use product via a removable or hard-wired male/female electrical connection, cable, cord, or other wiring; and

(vi) Has a nameplate output power less than or equal to 250 watts.

(b) "Single-voltage external AC to DC power supply" does not include:

(i) Products with batteries or battery packs that physically attach directly to the power supply unit;

(ii) Products with a battery chemistry or type selector switch and indicator light; or

(iii) Products with a battery chemistry or type selector switch and a state of charge meter.

(16) "State-regulated incandescent reflector lamp" means a lamp that is not colored or designed for rough or vibration service applications, that has an inner reflective coating on the outer bulb to direct the light, an E26 medium screw base, and a rated voltage or voltage range that lies at least partially within one hundred fifteen to one hundred thirty volts, and that falls into one of the following categories:

(a) A bulged reflector or elliptical reflector bulb shape and which has a diameter which equals or exceeds 2.25 inches;

(b) A reflector, parabolic aluminized reflector, or similar bulb shape and which has a diameter of 2.25 to 2.75 inches.

(17) "Transformer" means a device consisting of two or more coils of insulated wire and that is designed to transfer alternating current by electromagnetic induction from one coil to another to change the original voltage or current value.

(18)(a) "Unit heater" means a self-contained, vented fan-type commercial space heater that uses natural gas or propane, and that is designed to be installed without ducts within a heated space.

(b) "Unit heater" does not include any products covered by federal standards established pursuant to 42 U.S.C. Sec. 6291 et seq. or any product that is a direct vent, forced flue heater with a sealed combustion burner.

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NEW SECTION

WAC 194-24-040 Implementation dates, end dates, and applicability. (1) This chapter applies to the following types of new products manufactured after the stated date and installed for compensation, the dates these rules take effect and, in the case of federal preemption, are rescinded:

(a) Automatic commercial ice cube machines (January 1, 2008, to December 31, 2009);

(b) Commercial refrigerators and freezers (January 1, 2007, to December 31, 2009);

(c) Unit heaters (January 1, 2007, to July 31, 2008);

(d) Single-voltage external AC to DC power supplies (starting January 1, 2008) except power supplies that are classified as devices for human use under the Federal Food, Drug, and Cosmetic Act and require U.S. Food and Drug Administration listing and approval as a medical device;

(e) State-regulated incandescent reflector lamps (starting January 1, 2007); and

(f) Metal halide lamp fixtures (starting January 1, 2008).

(2) No new commercial refrigerator or freezer, state-regulated incandescent reflector lamp, or unit heater manufactured on or after January 1, 2007, may be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in [RCW 19.260.040](#).

(3) No new automatic commercial ice cube machine, single-voltage external AC to DC power supply, or metal halide lamp fixtures manufactured on or after January 1, 2008, may be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in [RCW 19.260.040](#).

(4) On or after January 1, 2008, no commercial refrigerator or freezer, state-regulated incandescent reflector lamp, or unit heater manufactured on or after January 1, 2007, may be installed for compensation in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in [RCW 19.260.040](#).

(5) On or after January 1, 2009, no new automatic commercial ice cube machine, single-voltage external AC to DC power supply, or metal halide lamp fixtures manufactured on or after January 1, 2008, may be installed for compensation in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in [RCW 19.260.040](#).

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NEW SECTION

WAC 194-24-050 Labeling. Manufacturers of new products covered by these rules shall identify each product offered for sale or installation in the state as in compliance with this chapter by means of a mark, label, or tag on the product and packaging at the time of sale or installation. The marking required by the state of California in their Appliance Efficiency Regulations dated July 1, 2006, Section 1607 or as revised will meet this requirement.

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NEW SECTION

WAC 194-24-060 Testing and certification. (1) Products must be tested as set out by the California energy commission in their Appliance Efficiency Regulations dated July 1, 2006, Sections 1603 and 1604.

(2) If products tested are found not to be in compliance with the minimum efficiency standards established under [RCW 19.260](#), the department may:

(a) Charge the manufacturer of the product for the cost of product purchase and testing; and

(b) Make information available to the public on products found not to be in compliance with the standards.

(3) Manufacturers shall submit a copy of test reports for any covered products offered for sale or installation if requested by the department.

(4) The following minimum information must be provided to the CEC as specified in their Appliance Efficiency Regulations dated July 1, 2006, Section 1606 for all covered appliances:

(a) Manufacturer name;

(b) Brand name (if different);

(c) Model number(s);

(d) Test method used (unless the standard is prescriptive and requires no specific test procedure to determine compliance);

(e) A statement that the model number(s) specified has been tested in accordance with required test methods, if applicable;

(f) A statement that the specified model meets the state's efficiency standards;

(g) A contact person with address, phone number and e-mail address;

(h) A declaration signed by a responsible company official attesting to the accuracy of the information included in the submittal.

(5) Manufacturers must provide to the department a certification from the California energy commission for each unique product that will be sold to a Washington buyer. The exception is that no certification is required for single voltage external AC to DC power supplies but the information listed in (4) of this section must be provided to the department.

(6) All appliances covered by these rules that are listed in the California data base of approved appliances shall be acceptable for sale in the state of Washington except for single voltage external AC to DC power supplies which are not currently listed in the California data base.

(7) The energy policy division director shall inform manufacturers within forty-five days of receipt of certification if their products meet these rules or what other information is required by the department.

(8) All required information and certification shall be submitted to the: Washington Department of Community, Trade and Economic Development, Energy Policy Division, P.O. Box 43173, Olympia, WA 98504-3173, Attn: Executive Assistant.

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NEW SECTION

WAC 194-24-070 Penalties for noncompliance. The energy policy division shall investigate complaints received concerning violations of these rules. Any manufacturer or distributor who violates

this chapter shall be issued a warning by the director of the department for any first violation. Repeat violations are subject to a civil penalty of not more than two hundred fifty dollars per day.

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