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STATE OF RHODE ISLAND
IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 2021

A N A C T
RELATING TO PUBLIC UTILITIES AND CARRIERS -- APPLIANCE AND EQUIPMENT ENERGY AND WATER EFFICIENCY STANDARDS ACT OF 2021

Introduced By: Representatives Handy, Bennett, Cortvriend, Carson, Felix, and Ruggiero

Date Introduced: February 26, 2021

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

SECTION 1. Legislative findings
The general assembly finds that:

1. Efficiency standards for certain products sold or installed in the state assure consumers and businesses that such products meet minimum efficiency performance levels, thus reducing energy and water waste and saving consumers and businesses money on utility bills.

2. Such efficiency standards save energy and thus reduce climate-changing emissions and other environmental impacts associated with the production, distribution, and use of electricity, natural gas, and other fuels.

3. Such efficiency standards save water, mitigating the effects of short- and long-term droughts and helping to conserve fresh water supplies.

4. Bill savings resulting from more-efficient products benefit all consumers but are especially important to low-income families, who spend a disproportionate share of their income on utilities. Efficiency standards also help the state and local economies because bill savings can be spent on local goods and services.

5. Energy and water savings help reduce or delay the need for expensive investments in new power plants, transmission lines, and distribution system upgrades, new and expanded gas pipelines, and water and sewer infrastructure improvements.

SECTION 2. Title 39 of the General Laws entitled 'PUBLIC UTILITIES AND
CARRIERS” is hereby amended by adding thereto the following chapter:

CHAPTER 27.1

APPLIANCE AND EQUIPMENT ENERGY AND WATER EFFICIENCY STANDARDS ACT

OF 2021


This chapter establishes minimum efficiency standards for certain products sold or installed in the state. This chapter shall, upon enactment, be construed to supersede any conflicting provisions of chapter 27 of title 39, “The Energy and Consumer Savings Act of 2005.”


(a) For purposes of this chapter, the following definitions apply:

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

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

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

(4) “Commercial oven” means a chamber designed for heating, roasting, or baking food by conduction, convection, radiation, and/or electromagnetic energy.

(5) “Commercial steam cooker,” also known as “compartment steamer,” means a device with one or more food-steaming compartments in which the energy in the steam is transferred to the food by direct contact. Models may include countertop models, wall-mounted models, and floor models mounted on a stand, pedestal, or cabinet-style base.

(6) “Commissioner” means the commissioner of energy resources at the Rhode Island office of energy resources, appointed pursuant to § 42-140-4.

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

(8) “Electric vehicle supply equipment” means the conductors, including the ungrounded,
grounded, and equipment grounding conductors, the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatuses installed specifically for the purpose of delivering energy from the premises wiring to the electric vehicle. Excludes conductors, connectors, and fittings that are part of a vehicle.

(9) The following definitions refer to "faucets":

(i) "Faucet" means a private lavatory faucet, residential kitchen faucet, metering faucet, public lavatory faucet, or replacement aerator for a private lavatory, public lavatory or residential kitchen faucet.

(ii) "Public lavatory faucet" means a fitting designed to be installed in nonresidential bathrooms that are exposed to walk-in traffic.

(iii) "Metering faucet" means a fitting that, when turned on, will gradually shut itself off over a period of several seconds.

(iv) "Replacement aerator" means an aerator sold as a replacement, separate from the faucet to which it is intended to be attached.

(10) The following definitions refer to "gas fireplaces":

(i) "Decorative gas fireplace" means a vented fireplace, including appliances that are freestanding, recessed, zero clearance, or a gas fireplace insert, that is fueled by natural gas or propane, is marked for decorative use only, and is not equipped with a thermostat or intended for use as a heater.

(ii) "Gas fireplace" means a decorative gas fireplace or a heating gas fireplace.

(iii) "Heating gas fireplace" means a vented fireplace, including appliances that are freestanding, recessed, zero clearance, or a gas fireplace insert, that is fueled by natural gas or propane and is not a decorative fireplace.

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

(12) "Residential ventilating fan" means a ceiling or wall-mounted fan, or remotely mounted in-line fan, designed to be used in a bathroom or utility room for the purpose of moving air from inside the building to the outdoors.

(13) The following definitions refer to "showerheads":

(i) "Showerhead" means an accessory to a supply fitting for spraying water onto a bather, typically from an overhead position and includes a hand-held showerhead, but does not include a safety showerhead.

(ii) "Hand-held showerhead" means a showerhead that can be held or fixed in place for the purpose of spraying water onto a bather and that is connected to a flexible hose.
(14) The following definitions refer to "spray sprinkler bodies":
(i) "Pressure regulator" means a device that maintains constant operating pressure immediately downstream from the device, given higher pressure upstream.
(ii) "Spray sprinkler body" means the exterior case or shell of a sprinkler incorporating a means of connection to the piping system designed to convey water to a nozzle or orifice.

(15) The following definitions refer to "urinals" and "water closets":
(i) "Dual-flush effective flush volume" means the average flush volume of two (2) reduced flushes and one full flush.
(ii) "Dual-flush water closet" means a water closet incorporating a feature that allows the user to flush the water closet with either a reduced or a full volume of water.
(iii) "Plumbing fixture" means an exchangeable device, which connects to a plumbing system to deliver and drain away water and waste.
(iv) "Trough-type urinal" means a urinal designed for simultaneous use by two (2) or more persons.
(v) "Urinal" means a plumbing fixture that receives only liquid body waste and conveys the waste through a trap into a drainage system.
(vi) "Water closet" means a plumbing fixture having a water-containing receptor that receives liquid and solid body waste through an exposed integral trap into a drainage system.

(16) The following definitions refer to "water coolers":
(i) "Cold only units" dispense cold water only.
(ii) "Cook and cold units" dispense both cold and room-temperature water.
(iii) "Hot and cold units" dispense both hot and cold water. Provided further that certain units also offer room-temperature water.
(iv) "On demand" means the water cooler heats water as it is requested, which typically takes a few minutes to deliver.
(v) "Storage-type" means thermally conditioned water is stored in a tank in the water cooler and is available instantaneously. Point-of-use, dry storage compartment, and bottled water coolers are included in this category.
(vi) "Water cooler" means a freestanding device that consumes energy to cool and/or heat potable water.

(a) The provisions of this chapter apply to:
(1) Commercial dishwashers;
(2) Commercial fryers;
(3) Commercial hot-food holding cabinets;
(4) Commercial ovens;
(5) Commercial steam cookers;
(6) Electric vehicle supply equipment;
(7) Faucets
(8) Gas fireplaces;
(9) Portable electric spas;
(10) Residential ventilating fans;
(11) Showerheads;
(12) Spray sprinkler bodies;
(13) Urinals;
(14) Water closets; and
(15) Water coolers.

(b) The provisions of this chapter do not apply to:
(1) New products manufactured in the state and sold outside the state;
(2) New products manufactured outside the state and sold at wholesale inside the state for final retail sale and installation outside the state;
(3) Products installed in mobile manufactured homes at the time of construction; or
(4) Products designed expressly for installation and use in recreational vehicles.

(a) Not later than one year after the date of enactment of this chapter, the commissioner shall adopt regulations, in accordance with the provisions of chapter 35 of title 42, establishing minimum efficiency standards for the types of new products set forth in § 39-27.1-3.
(b) The regulations shall provide for the following minimum efficiency standards:
(1) Commercial dishwashers included in the scope of the ENERGY STAR Program Requirements Product Specification for Commercial Dishwashers, Version 2.0, shall meet the qualification criteria of that specification.
(2) Commercial fryers included in the scope of the ENERGY STAR Program Requirements Product Specification for Commercial Fryers, Version 2.0, shall meet the qualification criteria of that specification.
(3) Commercial hot-food holding cabinets shall meet the qualification criteria of the ENERGY STAR Program Requirements Product Specification for Commercial Hot Food Holding Cabinets, Version 2.0.
(4) Commercial ovens included in the scope of the ENERGY STAR Program...
Requirements Product Specification for Commercial Ovens, Version 2.2, shall meet the qualification criteria of that specification.

(5) Commercial steam cookers shall meet the requirements of the ENERGY STAR Program Requirements Product Specification for Commercial Steam Cookers, Version 1.2.

(6) Electric vehicle supply equipment included in the scope of the ENERGY STAR Program Requirements Product Specification for Electric Vehicle Supply Equipment, Version 1.0 (Rev. Apr-2017), shall meet the qualification criteria of that specification.

(7) Faucets, except for metering faucets, shall meet the standards shown in this subsection when tested in accordance with Appendix S to Subpart B of Part 430 of Title 10 of the Code of Federal Regulations and compliance with those requirements shall be -- "Uniform Test Method for Measuring the Water Consumption of Faucets and Showerheads" -- as in effect on January 1, 2020.

(i) Lavatory faucets and replacement aerators shall not exceed a maximum flow rate of one and five-tenths gallons per minute (1.5 gpm) at sixty pounds per square inch (60 psi).

(ii) Residential kitchen faucets and replacement aerators shall not exceed a maximum flow rate of one and eight-tenths gallons per minute (1.8 gpm) at sixty pounds per square inch (60 psi), with optional temporary flow of two and two-tenths gallons per minute (2.2 gpm), provided they default to a maximum flow rate of one and eight-tenths gallons per minute (1.8 gpm) at sixty pounds per square inch (60 psi) after each use.

(iii) Public lavatory faucets and replacement aerators shall not exceed a maximum flow rate of five-tenths gallons per minute (0.5 gpm) at sixty pounds per square inch (60 psi).

(8) Gas fireplaces shall comply with the following requirements:

(i) Gas fireplaces shall be capable of automatically extinguishing any pilot flame when the main gas burner flame is established and when it is extinguished;

(ii) Gas fireplaces must prevent any ignition source for the main gas burner flame from operating continuously for more than seven (7) days;

(iii) Decorative gas fireplaces must have a direct vent configuration, unless marked for replacement use only; and,

(iv) Heating gas fireplaces shall have a fireplace efficiency greater than or equal to fifty percent (50%) when tested in accordance with CSA P.4.1-15, "Testing Method for Measuring Annual Fireplace Efficiency."


(10) In-line residential ventilating fans shall have a fan motor efficacy of no less than two and eight-tenths (2.8) cubic feet per minute per watt. All other residential ventilating fans shall have
a fan motor efficacy of no less than one and four-tenths (1.4) cubic feet per minute per watt for
airflows less than ninety (90) cubic feet per minute and no less than two and eight-tenths (2.8) cubic
feet per minute per watt for other airflows when tested in accordance with Home Ventilation
Institute Publication 916 "HVI Airflow Test Procedure."

(11) Showerheads shall not exceed a maximum flow rate of two gallons per minute (2.0
gpm) at eighty pounds per square inch (80 psi) when tested in accordance with Appendix S to
Subpart B of Part 430 of Title 10 of the Code of Federal Regulations and compliance with those
requirements shall be -- "Uniform Test Method for Measuring the Water Consumption of Faucets
and Showerheads" -- as in effect on January 1, 2020.

(12) Spray sprinkler bodies that are not specifically excluded from the scope of the
WaterSense Specification for Spray Sprinkler Bodies, Version 1.0, shall include an integral
pressure regulator and shall meet the water efficiency and performance criteria and other
requirements of that specification.

(13) Urinals and water closets, other than those designed and marketed exclusively for use
at prisons or mental health facilities, shall meet the standards shown in subsections (b)(1) through
(b)(4) of this section when tested in accordance with Appendix T to Subpart B of Part 430 of Title
10 of the Code of Federal Regulations -- "Uniform Test Method for Measuring the Water
Consumption of Water Closets and Urinals" -- as in effect on January 1, 2020, and water closets
shall pass the waste extraction test for water closets (Section 7.9) of the American Society of
Mechanical Engineers (ASME) A112.19.2/CSA B45.1-2018.

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

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

(iii) Water closets, except for dual-flush tank-type water closets, shall have a maximum
flush volume of one and twenty-eight hundredths (1.28) gallons per flush.

(iv) Dual-flush tank-type water closets shall have a maximum dual flush effective flush
volume of one and twenty-eight hundredths (1.28) gallons per flush.

(14) Water coolers included in the scope of the ENERGY STAR Program Requirements
Product Specification for Water Coolers, Version 2.0, shall have on mode with no water draw
energy consumption less than or equal the following values as measured in accordance with the
test requirements of that program:

(i) Sixteen hundredths kilowatt hours (0.16 KWh) per day for cold-only units and cook and
cold units;
(ii) Eighty-seven hundredths kilowatt hours (0.87 KWh) per day for storage type hot and cold units; and

(iii) Eighteen hundredths kilowatt hours (0.18 KWh) per day for on demand hot and cold units.


(a) No commercial dishwasher, commercial fryer, commercial hot-food holding cabinet, commercial oven, commercial steam cooker, electric vehicle supply equipment, faucet, gas fireplace, portable electric spa, residential ventilating fan, showerhead, spray sprinkler body, urinal, water closet, or water cooler manufactured on or after January 1, 2023, may be sold or offered for sale, lease, or rent in the state unless the new product meets the requirements of the standards provided in this chapter.

(b) One year after the date upon which the sale or offering for sale of certain products becomes subject to the requirements of subsection (a) of this section, no such products may be installed for compensation in the state unless the efficiency of the new product meets or exceeds the efficiency standards provided in § 39-27.1-4.


The commissioner may adopt regulations, in accordance with the provisions of chapter 35 of title 42, to establish increased efficiency standards for the products listed or incorporated in § 39-27.1-3. In considering such new or amended standards, the commissioner shall set efficiency standards upon a determination that increased efficiency standards would serve to promote energy or water conservation in the state and would be cost effective for consumers who purchase and use such new products; provided that, no new or increased efficiency standards shall become effective within one year following the adoption of any amended regulations establishing such increased efficiency standards.

39-27.1-7. Testing; Certification; Labeling; Enforcement.

(a) The manufacturers of products covered by this chapter shall test samples of their products in accordance with the test procedures adopted pursuant to this chapter. The commissioner may adopt updated test methods when new versions of test procedures become available.

(b) Manufacturers of new products covered by § 39-27.1-3 shall certify to the commissioner that such products are in compliance with the provisions of this chapter. Such certifications shall be based on test results. The commissioner shall promulgate regulations governing the certification of such products and shall coordinate with the certification programs of other states and federal agencies with similar standards.

(c) Manufacturers of new products covered by § 39-27.1-3 shall identify each product
offered for sale or installation in the state as in compliance with the provisions of this chapter by means of a mark, label, or tag on the product and packaging at the time of sale or installation. The commissioner shall promulgate regulations governing the identification of such 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 commissioner shall allow the use of existing marks, labels, or tags, which connote compliance with the efficiency requirements of this chapter.

(d) The commissioner may test products covered by § 39-27.1-3. If products so tested are found not to be in compliance with the minimum efficiency standards established under § 39-27.1-4, the commissioner shall:

1. Charge the manufacturer of such product for the cost of product purchase and testing;
2. and
3. Make information available to the attorney general and the public on products found not to be in compliance with the standards.

(e) With prior notice and at reasonable and convenient hours, the commissioner may cause periodic inspections to be made of distributors or retailers of new products covered by § 39-27.1-3 in order to determine compliance with the provisions of this chapter. The commissioner shall also coordinate with the state building code standards committee regarding inspections prior to occupancy of newly constructed buildings containing new products that are also covered by chapter 27.3 of title 23.

(f) The commissioner shall investigate complaints received concerning violations of this chapter and shall report the results of such investigations to the attorney general. The attorney general may institute proceedings to enforce the provisions of this chapter. Any manufacturer, distributor, or retailer, or any person who installs a product covered by this chapter for compensation, who violates any provision of this chapter shall be issued a warning by the commissioner for any first violation and subject to a civil penalty of up to one hundred dollars ($100) for each offense. Repeat violations shall be subject to a civil penalty of not more than five hundred dollars ($500) for each offense. Each violation shall constitute a separate offense, and each day that such violation continues shall constitute a separate offense. Penalties assessed under this subsection are in addition to costs assessed under subsection (d) of this section.

(g) The commissioner may adopt such further regulations as necessary to ensure the proper implementation and enforcement of the provisions of this chapter.


If any provision of this chapter or the application thereof to any person or circumstances is
held invalid, such invalidity shall not affect other provisions or applications of the chapter, which
can be given effect without the invalid provision or application, and to this end the provisions of
this chapter are declared to be severable.


This act shall take effect upon passage, and shall be construed to supersede any conflicting

SECTION 3. This act shall take effect upon passage.
EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- APPLIANCE AND EQUIPMENT
ENERGY AND WATER EFFICIENCY STANDARDS ACT OF 2021

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1 This act would establish minimum energy and water efficiency standards for appliances
2 and specified equipment purchased or installed after January 1, 2023.
3 This act would take effect upon passage.

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