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# A BILL FOR AN ACT

RELATING TO EFFICIENCY STANDARDS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the high cost of  
2 living in Hawaii adds to the importance of adopting policies  
3 that promote and encourage energy efficiency, which can provide  
4 relief for families and businesses faced with high utility  
5 bills. In 2019, the legislature took the notable step of  
6 establishing minimum energy and water efficiency standards for  
7 certain products sold, leased, or rented in the State. These  
8 standards are estimated to result in \$169,700,000 in cumulative  
9 utility bill savings for Hawaii over the next fifteen years.

10           The legislature further finds that water conservation is  
11 growing in significance for a variety of reasons, including  
12 increasing incidence of drought conditions and the fuel spills  
13 at Red Hill that have led to the closure of the Halawa shaft,  
14 which previously provided twenty per cent of the water supply  
15 for urban Honolulu. Water efficiency and energy efficiency are  
16 closely linked, because pumping water requires energy, and water  
17 conservation leads to energy conservation.



1           The legislature also finds that expanding the list of  
2 products requiring minimum efficiency standards can help Hawaii  
3 save millions of dollars on utility bills annually and can offer  
4 even more benefits for Hawaii residents, businesses, the  
5 environment, and the economy as a whole. Adopting additional  
6 minimum efficiency standards, among other benefits, could:

7           (1) Provide a boost to the local economy as a result of  
8           consumers and businesses spending their financial  
9           savings on other goods and services in the State;

10          (2) Protect consumers from manufacturers who would  
11          otherwise unload less-efficient appliances that the  
12          manufacturers could not sell in other states with  
13          heightened efficiency standards;

14          (3) Ensure that Hawaii residents do not miss out on  
15          potential savings while awaiting uncertain progress  
16          regarding standards to be adopted at the federal  
17          level;

18          (4) Conserve and protect the State's precious and  
19          vulnerable water resources, the importance of which  
20          has recently been underscored by the Red Hill water  
21          crisis;



1 (5) Lower electricity bills for residents and businesses  
2 by millions of dollars annually; and

3 (6) Reduce air pollutants and greenhouse gas emissions,  
4 which could result in public health benefits and help  
5 the State meet its clean energy and climate change  
6 mitigation targets.

7 Numerous states, including California, Colorado,  
8 Connecticut, Maine, Maryland, Massachusetts, Nevada, New Jersey,  
9 Oregon, Rhode Island, Vermont, and Washington, have adopted  
10 robust state energy and water efficiency standards to take  
11 advantage of these benefits. The legislature believes that  
12 these states can serve as important sources of information for  
13 the enforcement and implementation of new or amended energy and  
14 water efficiency standards in Hawaii.

15 Furthermore, the legislature finds that most of the  
16 products encompassed by this Act are equal in cost to  
17 noncompliant products or have a short payback period ranging  
18 from zero to seven months.

19 Accordingly, the purpose of this Act is to:

20 (1) Authorize the chief energy officer of the Hawaii state  
21 energy office, instead of the director of business,



1 economic development, and tourism, to adopt rules to  
2 enforce minimum efficiency standards for certain  
3 products and adopt or amend minimum efficiency  
4 standards in certain situations; and

5 (2) Regulate the minimum efficiency standards for portable  
6 electric spas, residential ventilating fans, toilets,  
7 urinals, and water coolers.

8 SECTION 2. Section 196-81, Hawaii Revised Statutes, is  
9 amended as follows:

10 1. By adding eight new definitions to be appropriately  
11 inserted and to read:

12 "Chief energy officer" means the chief energy officer of  
13 the Hawaii state energy office.

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

17 "Portable electric spa" means a factory-built electric spa  
18 or hot tub, which may include any combination of integral  
19 controls, water heating, or water circulating equipment.

20 "Residential ventilating fan" means a ceiling or wall-  
21 mounted fan, or remotely mounted in-line fan, designed to be



1 used in a bathroom or utility room for the purpose of moving air  
2 from inside the building to the outdoors.

3 "Toilet" or "water closet" means a plumbing fixture that  
4 includes a water-containing receptor that is designed to receive  
5 liquid and solid human waste through an exposed integral trap  
6 into a drainage system. "Toilet" or "water closet" includes a  
7 dual-flush toilet.

8 "Trough-type urinal" means a urinal designed for  
9 simultaneous use by two or more persons.

10 "Urinal" means a plumbing fixture that is designed to  
11 receive only liquid body waste and conveys the waste through a  
12 trap into a drainage system. "Urinal" includes a trough-type  
13 urinal.

14 "Water cooler" means a freestanding device that consumes  
15 energy in order to dispense cold water, room-temperature water,  
16 hot water, or any combination thereof. "Water cooler"  
17 includes a storage-type water cooler and an on-demand water  
18 cooler."

19 2. By amending the definition of "showerhead" to read:

20 "Showerhead" means a device through which water is  
21 discharged for a shower or bath. [~~Showerhead~~] "Showerhead"



1 includes handheld showerheads and any other showerhead[  
2 ~~including a handheld showerhead~~], except a safety showerhead."

3 3. By deleting the definitions of "department" and  
4 "director".

5 [~~"Department" means the department of business, economic  
6 development, and tourism.~~

7 ~~"Director" means the director of business, economic  
8 development, and tourism."~~]

9 SECTION 3. Section 196-83, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "~~[§]§196-83[§]~~ **Rules.** The ~~[director]~~ chief energy officer  
12 may adopt rules pursuant to chapter 91 to ~~[enforce]~~:

13 (1) Enforce the minimum efficiency standards ~~[for the~~  
14 ~~types of new products]~~ set forth in section ~~[196-84.]~~  
15 196-85; and

16 (2) Adopt or amend efficiency standards for any products  
17 as the chief energy officer deems appropriate,  
18 including but not limited to those products listed or  
19 incorporated in section 196-84(a); provided that the  
20 chief energy officer shall set efficiency standards  
21 upon a determination that new or increased efficiency



1           standards would serve to promote energy or water  
2           conservation in the State and would be cost-effective  
3           for consumers who newly purchase and use those  
4           products; provided further that no new or increased  
5           efficiency standards shall become effective within one  
6           year following the adoption of any amended rules  
7           establishing the new or increased efficiency  
8           standards."

9           SECTION 4. Section 196-84, Hawaii Revised Statutes, is  
10 amended by amending subsection (a) to read as follows:

11           "(a) [~~Appliance~~] Minimum efficiency standards are  
12 established under this part for the following [~~appliances,~~]  
13 products, if standards for these [~~appliances~~] products are not  
14 preempted by federal law:

- 15           (1) Computers and computer monitors;  
16           (2) Faucets;  
17           (3) High color rendering index fluorescent lamps;  
18           (4) Portable electric spas;  
19           (5) Residential ventilating fans;  
20           [~~(4)~~] (6) Showerheads; [~~and~~  
21           ~~(5)~~] (7) Spray sprinkler bodies[~~;~~];



- 1        (8) Toilets;
- 2        (9) Urinals; and
- 3        (10) Water coolers."

4            SECTION 5. Section 196-85, Hawaii Revised Statutes, is  
5 amended to read as follows:

6            "~~[(1)]~~ ~~§196-85~~ ~~[(1)]~~ ~~Appliance~~ Minimum efficiency standards.

7        ~~[(a)]~~ The following minimum efficiency standards shall apply to  
8 products listed or incorporated in section 196-84:

- 9            (1) Computers and computer monitors shall meet the  
10 requirements set forth in California Code of  
11 Regulations, Title 20, Section 1605.3, as amended;
- 12            (2) Faucets shall meet the minimum efficiency standards  
13 set forth in California Code of Regulations, Title 20,  
14 Section 1605.1, as amended;
- 15            (3) High color rendering index fluorescent lamps shall  
16 meet the minimum efficacy requirements contained in  
17 ~~[Section]~~ title 10 Code of Federal Regulations section  
18 430.32(n) (4) [of Title 10 of the Code of Federal  
19 Regulations], as in effect on January 3, 2017, as  
20 measured in accordance with ~~[Appendix]~~ title 10 Code  
21 of Federal Regulations part 430, appendix R to





1           ~~[Subpart]~~ subpart B ~~[of Part 430 of Title 10 of the~~  
2           ~~Code of Federal Regulations]~~—"Uniform Test Method for  
3           Measuring Average Lamp Efficacy (LE), Color Rendering  
4           Index (CRI), and Correlated Color Temperature (CCT) of  
5           Electric Lamps"—as amended;

6           (4) Portable electric spas shall meet the requirements of  
7           the American National Standard for Portable Electric  
8           Spa Energy Efficiency (ANSI/APSP/ICC 14-2019);

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

18           ~~[(4)]~~ (6) Showerheads shall meet the minimum efficiency  
19           standards set forth in California Code of Regulations,  
20           Title 20, Section 1605.1, as amended; ~~[and~~



1       ~~(5)~~] (7) Spray sprinkler bodies that are not specifically  
2       excluded from the scope of the Environmental  
3       Protection Agency's WaterSense Specification for Spray  
4       Sprinkler Bodies, Version 1.0, shall include an  
5       integral pressure regulator and shall meet the water  
6       efficiency and performance criteria and other  
7       requirements of that specification, as amended~~[=]~~;

8       (8) Toilets, water closets, and urinals, other than those  
9       designed and marketed exclusively for use at prisons  
10       or mental health facilities, shall meet the standards  
11       shown in subparagraphs (A) to (D) when tested in  
12       accordance with title 10 Code of Federal Regulations  
13       Part 430, appendix T to subpart B -- "Uniform Test  
14       Method for Measuring the Water Consumption of Water  
15       Closets and Urinals" -- and toilets shall pass the  
16       waste extraction test for water closets (Section 7.9)  
17       of the American Society of Mechanical Engineers  
18       A112.19.2/CSA B45.1-2018:

19       (A) Wall-mounted urinals, except for trough-type  
20       urinals and urinals designed and marketed  
21       exclusively for use in prisons and mental health



- 1           care facilities, shall have a maximum flush  
2           volume of 0.5 gallon per flush;
- 3           (B) Floor-mounted urinals, except for trough-type  
4           urinals and urinals designed and marketed  
5           exclusively for use in prisons and mental health  
6           care facilities, shall have a maximum flush  
7           volume of 0.5 gallon per flush;
- 8           (C) Toilets, except for dual-flush tank-type toilets  
9           and toilets designed and marketed exclusively for  
10           use in prisons and mental health care facilities,  
11           shall have a maximum flush volume of 1.28 gallons  
12           per flush; and
- 13           (D) Dual-flush tank-type toilets shall have a maximum  
14           dual-flush effective flush volume of 1.28 gallons  
15           per flush. As used in this subparagraph, "dual-  
16           flush effective flush volume" means the average  
17           flush volume of two reduced flushes and one full  
18           flush; and
- 19           (9) Water coolers included in the scope of the ENERGY STAR  
20           Program Requirements Product Specification for Water  
21           Coolers, Version 2.0, shall have an on mode with no



1 water draw energy consumption less than or equal to  
2 the following values as measured in accordance with  
3 the test requirements of that program:

4 (A) 0.16 kilowatt-hour per day for cold-only units  
5 and cook and cold units. As used in this  
6 subparagraph, "cold-only units" means water  
7 cooler units that dispense cold water only;

8 (B) 0.87 kilowatt-hour per day for storage-type hot  
9 and cold units. As used in this subparagraph:

10 "Hot and cold units" means water coolers  
11 that dispense hot and cold water.

12 "Storage-type" means water cooler units in  
13 which thermally conditioned water is stored in a  
14 tank in the water cooler and is available  
15 instantaneously, including point-of-use, dry  
16 storage compartment, and bottled water coolers;  
17 and

18 (C) 0.18 kilowatt-hour per day for on-demand hot and  
19 cold units. As used in this subparagraph:

20 "Hot and cold units" means water coolers  
21 that dispense both hot and cold water.



1                   "On-demand" means a water cooler unit in  
2                   which water is heated as it is requested, which  
3                   typically takes a few minutes to deliver.

4           ~~[(b) When adopting standards for appliances pursuant to~~  
5           ~~section 196-84(a), the director shall set appliance efficiency~~  
6           ~~standards upon a determination that increased efficiency~~  
7           ~~standards would serve to promote energy or water conservation in~~  
8           ~~the State and would be cost effective for consumers who purchase~~  
9           ~~and use such new products.] "~~

10           SECTION 6. Section 196-86, Hawaii Revised Statutes, is  
11           amended to read as follows:

12           "**[+]§196-86[+] Implementation.** (a) On or after  
13           January 1, 2021, no new computer or computer monitor, faucet,  
14           high color rendering index fluorescent lamp, showerhead, or  
15           spray sprinkler body [~~may~~] shall be sold or offered for sale,  
16           lease, or rent in the State unless the efficiency of the new  
17           product meets or exceeds the efficiency standards provided in  
18           section 196-85.

19           (b) On or after January 1, 2025, no new portable electric  
20           spa, residential ventilating fan, toilet, urinal, or water  
21           cooler that is manufactured on or after January 1, 2025, shall



1 be sold or offered for sale, lease, or rent in the State unless  
2 the efficiency of the new product meets or exceeds the minimum  
3 efficiency standards provided in section 196-85.

4 ~~[(b)]~~ (c) One year after the date upon which the sale or  
5 offering for sale of certain products becomes subject to the  
6 requirements of ~~[subsection]~~ subsections (a) [no such] and (b),  
7 these products [may] shall not be installed for compensation in  
8 the State unless the efficiency of the new product meets or  
9 exceeds the minimum efficiency standards provided in section  
10 196-85."

11 SECTION 7. Section 196-88, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "~~[§]~~**\$196-88**~~[§]~~ **Testing, certification, and labeling.**  
14 Manufacturers shall test, certify, and label products meeting  
15 the minimum efficiency standards set forth in section 196-85 and  
16 may utilize testing, certification, and labeling programs of  
17 other states and federal agencies with similar standards,  
18 including the Home Ventilating Institute's certified products  
19 directory certification program, for purposes of compliance  
20 under this part. Products listed in California's Modernized



1 Appliance Efficiency Database System shall be deemed to be in  
2 compliance with this part."

3 SECTION 8. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 9. This Act shall take effect on June 30, 3000.



**Report Title:**

Minimum Efficiency Standards; Appliances; Chief Energy Officer;  
Hawaii State Energy Office

**Description:**

Allows the chief energy officer of the Hawaii state energy office to enforce minimum efficiency standards and adopt or amend efficiency standards. Sets minimum efficiency standards for portable electric spas, residential ventilating fans, toilets, urinals, and water coolers. Allows manufacturers to utilize the Home Ventilating Institute's certified products directory certification program to meet certain standards. Effective 6/30/3000. (HD2)

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