HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

H.B. NO. 194

A BILL FOR AN ACT

RELATING TO EFFICIENCY STANDARDS.

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

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

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

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

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

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

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

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

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

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

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

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

Accordingly, the purpose of this Act is to:

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

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

(2) Regulate the minimum efficiency standards for air purifiers, electric vehicle supply equipment, portable electric spas, residential ventilating fans, toilets, urinals, and water coolers.

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

1. By adding eleven new definitions to be appropriately inserted and to read:

""Air purifier" or "room air cleaner" means an electric, cord-connected, portable appliance whose primary function is to remove particulate matter from the air and that can be moved from room to room.

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

"Electric vehicle supply equipment" means the conductors, including the ungrounded, grounded, and equipment grounding conductors; 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. "Electric vehicle supply equipment" does not include conductors, connectors, and fittings that are part of a vehicle.

"Industrial air purifier" means an indoor air cleaning device manufactured, advertised, marketed, labeled, and used solely for industrial use that is marketed solely through industrial supply outlets or businesses and prominently labeled as "Solely for industrial use. Potential health hazard: emits ozone."

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

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

"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.

"Toilet" or "water closet" means a plumbing fixture that includes a water-containing receptor that is designed to receive liquid and solid human waste through an exposed integral trap into a drainage system. "Toilet" or "water closet" includes but is not limited to a dual-flush toilet.

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

"Urinal" means a plumbing fixture that is designed to receive only liquid body waste and conveys the waste through a trap into a drainage system. "Urinal" includes but is not limited to a trough-type urinal.

"Water cooler" means a freestanding device that consumes energy in order to dispense cold water, room-temperature water, or hot water, or any combination thereof. "Water cooler" includes but is not limited to a storage-type water cooler and an on-demand water cooler."

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

""Showerhead" means a device through which water is discharged for a shower or bath[~~. Showerhead~~] and includes handheld showerheads and any other showerhead[~~, including a handheld showerhead~~], except a safety showerhead."

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

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

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

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

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

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

(2) Adopt or amend efficiency standards for any products as the chief energy officer deems appropriate, including but not limited to those products listed or incorporated in section 196-84(a); provided that the chief energy officer shall set efficiency standards upon a determination that new or increased efficiency standards would serve to promote energy or water conservation in the State and would be cost-effective

for consumers who newly purchase and use those products; provided further that no new or increased efficiency standards shall become effective within one year following the adoption of any amended regulations establishing the increased efficiency standards."

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

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

(1) Air purifiers;

[~~(1)~~] (2) Computers and computer monitors;

(3) Electric vehicle supply equipment;

[~~(2)~~] (4) Faucets;

[~~(3)~~] (5) High color rendering index fluorescent lamps;

(6) Portable electric spas;

(7) Residential ventilating fans;

[~~(4)~~] (8) Showerheads; [~~and~~]

[~~(5)~~] (9) Spray sprinkler bodies[~~.~~];

(10) Toilets;

(11) Urinals; and

(12) Water coolers."

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

"**[~~[~~]§196-85[~~]~~ ~~Appliance~~] Minimum efficiency standards.** [~~(a)~~] The following minimum efficiency standards shall apply to products listed or incorporated in section 196-84:

(1) Except for industrial air purifiers, air purifiers shall meet the certification criteria of the ENERGY STAR Product Specification for Room Air Cleaners, Version 2.0;

[~~(1)~~] (2) Computers and computer monitors shall meet the requirements set forth in California Code of Regulations, Title 20, Section 1605.3, as amended;

(3) Electric vehicle supply equipment included in the scope of the ENERGY STAR Program Requirements Product Specification for Electric Vehicle Supply Equipment, Version 1.0, shall meet the certification criteria of that specification;

[~~(2)~~] (4) Faucets shall meet the minimum efficiency standards set forth in California Code of Regulations, Title 20, Section 1605.1, as amended;

[~~(3)~~] (5) High color rendering index fluorescent lamps shall meet the minimum efficacy requirements contained in [~~Section~~] title 10 Code of Federal Regulations section 430.32(n)(4) [~~of Title 10 of the Code of Federal Regulations~~], as in effect on January 3, 2017, as measured in accordance with [~~Appendix~~] title 10 Code of Federal Regulations part 430, appendix R to [~~Subpart~~] subpart B [~~of Part 430 of Title 10 of the Code of Federal Regulations~~]—"Uniform Test Method for Measuring Average Lamp Efficacy (LE), Color Rendering Index (CRI), and Correlated Color Temperature (CCT) of Electric Lamps"—as amended;

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

(7) In-line residential ventilating fans shall have a fan motor efficacy of no less than 2.8 cubic feet per minute per watt. All other residential ventilating

fans shall have a fan motor efficacy of no less than 1.4 cubic feet per minute per watt for airflows less than 90 cubic feet per minute and no less than 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";

[~~(4)~~] (8) Showerheads shall meet the minimum efficiency standards set forth in California Code of Regulations, Title 20, Section 1605.1, as amended; [~~and~~]

[~~(5)~~] (9) Spray sprinkler bodies that are not specifically excluded from the scope of the Environmental Protection Agency's 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, as amended[~~.~~];

(10) Toilets, also known as water closets, and urinals, other than those designed and marketed exclusively for use at prisons or mental health facilities, shall meet the standards shown in subparagraphs (A) to (D) when tested in accordance with title 10 Code of Federal

Regulations Part 430, appendix T to subpart B -- "Uniform Test Method for Measuring the Water Consumption of Water Closets and Urinals" -- and toilets 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:

(A) Wall-mounted urinals, except for trough-type urinals, shall have a maximum flush volume of 0.125 gallons per flush;

(B) Floor-mounted urinals, except for trough-type urinals, shall have a maximum flush volume of 0.5 gallons per flush;

(C) Toilets, except for dual-flush tank-type toilets, shall have a maximum flush volume of 1.28 gallons per flush; and

(D) Dual-flush tank-type toilets shall have a maximum dual-flush effective flush volume of 1.28 gallons per flush. As used in this subparagraph, "dual-flush effective flush volume" means the average flush volume of two reduced flushes and one full flush; and

(11) 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 to the following values as measured in accordance with the test requirements of that program:

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

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

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

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

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

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

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

[~~(b) When adopting standards for appliances pursuant to section 196-84(a), the director shall set appliance 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.~~]"

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

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

(b) On or after January 1, 2025, no new air purifier, electric vehicle supply equipment, portable electric spa, residential ventilating fan, toilet, urinal, or water cooler may be sold or offered for sale, lease, or rent in the State unless the efficiency of the new product meets or exceeds the efficiency standards provided in section 196-85.

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

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval.

INTRODUCED BY: Nicole E. Lowen

JAN 18 2023

H.B. NO. 194

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 air purifiers, electric vehicle supply equipment, portable electric spas, residential ventilating fans, toilets, urinals, and water coolers, effective 1/1/2025.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.