

111TH CONGRESS  
2D SESSION

# S. 3925

To amend the Energy Policy and Conservation Act to improve the energy-efficiency of, and standards applicable to, certain appliances and equipment, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2010

Mr. BINGAMAN (for himself and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To amend the Energy Policy and Conservation Act to improve the energy-efficiency of, and standards applicable to, certain appliances and equipment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Implementation of National Consensus Appliance Agree-  
6 ments Act”.

7 (b) TABLE OF CONTENTS.—The table of contents of  
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Energy conservation standards.
- Sec. 3. Energy conservation standards for heat pump pool heaters.
- Sec. 4. Portable light fixtures.
- Sec. 5. GU-24 base lamps.
- Sec. 6. Efficiency standards for bottle-type water dispensers, commercial hot food holding cabinets, and portable electric spas.
- Sec. 7. Test procedure petition process.
- Sec. 8. Energy efficiency provisions.
- Sec. 9. Measuring icemaker energy.
- Sec. 10. Credit for Energy Star smart appliances.
- Sec. 11. Video game console energy efficiency study.
- Sec. 12. Refrigerator and freezer standards.
- Sec. 13. Room air conditioner standards.
- Sec. 14. Uniform efficiency descriptor for covered water heaters.
- Sec. 15. Clothes dryers.
- Sec. 16. Standards for clothes washers.
- Sec. 17. Dishwashers.
- Sec. 18. Standards for certain incandescent reflector lamps and reflector lamps.
- Sec. 19. Petition for amended standards.
- Sec. 20. Efficiency standards for class A external power supplies.
- Sec. 21. Prohibited acts.
- Sec. 22. Outdoor lighting.
- Sec. 23. Standards for commercial furnaces.
- Sec. 24. Service over the counter, self-contained, medium temperature commercial refrigerators.
- Sec. 25. Motor market assessment and commercial awareness program.
- Sec. 26. Study of compliance with energy standards for appliances.
- Sec. 27. Study of direct current electricity supply in certain buildings.
- Sec. 28. Technical corrections.

1 **SEC. 2. ENERGY CONSERVATION STANDARDS.**

2 (a) DEFINITION OF ENERGY CONSERVATION STAND-  
 3 ARD.—Section 321 of the Energy Policy and Conservation  
 4 Act (42 U.S.C. 6291) is amended—

5 (1) by striking paragraph (6) and inserting the  
 6 following:

7 “(6) ENERGY CONSERVATION STANDARD.—

8 “(A) IN GENERAL.—The term ‘energy con-  
 9 servation standard’ means 1 or more perform-  
 10 ance standards that—

1           “(i) for covered products (excluding  
2 clothes washers, dishwashers, showerheads,  
3 faucets, water closets, and urinals), pre-  
4 scribe a minimum level of energy efficiency  
5 or a maximum quantity of energy use, de-  
6 termined in accordance with test proce-  
7 dures prescribed under section 323;

8           “(ii) for showerheads, faucets, water  
9 closets, and urinals, prescribe a minimum  
10 level of water efficiency or a maximum  
11 quantity of water use, determined in ac-  
12 cordance with test procedures prescribed  
13 under section 323; and

14           “(iii) for clothes washers and dish-  
15 washers—

16           “(I) prescribe a minimum level of  
17 energy efficiency or a maximum quan-  
18 tity of energy use, determined in ac-  
19 cordance with test procedures pre-  
20 scribed under section 323; and

21           “(II) include a minimum level of  
22 water efficiency or a maximum quan-  
23 tity of water use, determined in ac-  
24 cordance with those test procedures.

1           “(B) INCLUSIONS.—The term ‘energy con-  
2           servation standard’ includes—

3                   “(i) 1 or more design requirements, if  
4           the requirements were established—

5                           “(I) on or before the date of en-  
6                           actment of this subclause;

7                           “(II) as part of a direct final rule  
8                           under section 325(p)(4); or

9                           “(III) as part of a final rule pub-  
10                           lished on or after January 1, 2012;  
11                           and

12                           “(ii) any other requirements that the  
13                           Secretary may prescribe under section  
14                           325(r).

15           “(C) EXCLUSION.—The term ‘energy con-  
16           servation standard’ does not include a perform-  
17           ance standard for a component of a finished  
18           covered product, unless regulation of the com-  
19           ponent is specifically authorized or established  
20           pursuant to this title.”; and

21           (2) by adding at the end the following:

22                   “(67) EER.—The term ‘EER’ means energy  
23           efficiency ratio.

24                   “(68) HSPF.—The term ‘HSPF’ means heat-  
25           ing seasonal performance factor.”.

1 (b) EER AND HSPF TEST PROCEDURES.—Section  
 2 323(b) of the Energy Policy and Conservation Act (42  
 3 U.S.C. 6293(b)) is amended by adding at the end the fol-  
 4 lowing:

5 “(19) EER AND HSPF TEST PROCEDURES.—

6 “(A) IN GENERAL.—Subject to subpara-  
 7 graph (B), for purposes of residential central  
 8 air conditioner and heat pump standards that  
 9 take effect on or before January 1, 2015—

10 “(i) the EER shall be tested at an  
 11 outdoor test temperature of 95 degrees  
 12 Fahrenheit; and

13 “(ii) the HSPF shall be calculated  
 14 based on Region IV conditions.

15 “(B) REVISIONS.—The Secretary may re-  
 16 vise the EER outdoor test temperature and the  
 17 conditions for HSPF calculations as part of any  
 18 rulemaking to revise the central air conditioner  
 19 and heat pump test method.”.

20 (c) CENTRAL AIR CONDITIONERS AND HEAT  
 21 PUMPS.—Section 325(d) of the Energy Policy and Con-  
 22 servation Act (42 U.S.C. 6295(d)) is amended by adding  
 23 at the end the following:

24 “(4) CENTRAL AIR CONDITIONERS AND HEAT  
 25 PUMPS (EXCEPT THROUGH-THE-WALL CENTRAL AIR

1       CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR  
2       CONDITIONING HEAT PUMPS, AND SMALL DUCT,  
3       HIGH VELOCITY SYSTEMS) MANUFACTURED ON OR  
4       AFTER JANUARY 1, 2015.—

5               “(A) BASE NATIONAL STANDARDS.—

6               “(i) SEASONAL ENERGY EFFICIENCY  
7       RATIO.—The seasonal energy efficiency  
8       ratio of central air conditioners and central  
9       air conditioning heat pumps manufactured  
10      on or after January 1, 2015, shall not be  
11      less than the following:

12              “(I) Split Systems: 13 for central  
13      air conditioners and 14 for heat  
14      pumps.

15              “(II) Single Package Systems:  
16      14.

17              “(ii) HEATING SEASONAL PERFORM-  
18      ANCE FACTOR.—The heating seasonal per-  
19      formance factor of central air conditioning  
20      heat pumps manufactured on or after Jan-  
21      uary 1, 2015, shall not be less than the  
22      following:

23              “(I) Split Systems: 8.2.

24              “(II) Single Package Systems:  
25      8.0.

1 “(B) REGIONAL STANDARDS.—

2 “(i) SEASONAL ENERGY EFFICIENCY  
3 RATIO.—The seasonal energy efficiency  
4 ratio of central air conditioners and central  
5 air conditioning heat pumps manufactured  
6 on or after January 1, 2015, and installed  
7 in States having historical average annual,  
8 population weighted, heating degree days  
9 less than 5,000 (specifically the States of  
10 Alabama, Arizona, Arkansas, California,  
11 Delaware, Florida, Georgia, Hawaii, Ken-  
12 tucky, Louisiana, Maryland, Mississippi,  
13 Nevada, New Mexico, North Carolina,  
14 Oklahoma, South Carolina, Tennessee,  
15 Texas, and Virginia) or in the District of  
16 Columbia, the Commonwealth of Puerto  
17 Rico, or any other territory or possession  
18 of the United States shall not be less than  
19 the following:

20 “(I) Split Systems: 14 for central  
21 air conditioners and 14 for heat  
22 pumps.

23 “(II) Single Package Systems:  
24 14.

1           “(ii) ENERGY EFFICIENCY RATIO.—  
2           The energy efficiency ratio of central air  
3           conditioners (not including heat pumps)  
4           manufactured on or after January 1, 2015,  
5           and installed in the State of Arizona, Cali-  
6           fornia, New Mexico, or Nevada shall be not  
7           less than the following:

8                   “(I) Split Systems: 12.2 for split  
9                   systems having a rated cooling capaci-  
10                  ty less than 45,000 BTU per hour  
11                  and 11.7 for products having a rated  
12                  cooling capacity equal to or greater  
13                  than 45,000 BTU per hour.

14                  “(II) Single Package Systems:  
15                  11.0.

16                  “(iii) APPLICATION OF SUBSECTION  
17                  (o)(6).—Subsection (o)(6) shall apply to  
18                  the regional standards set forth in this  
19                  subparagraph.

20                  “(C) AMENDMENT OF STANDARDS.—

21                   “(i) IN GENERAL.—Not later than  
22                   January 1, 2017, the Secretary shall pub-  
23                   lish a final rule to determine whether the  
24                   standards in effect for central air condi-



1           tioners and central air conditioning heat  
2           pumps should be amended.

3           “(ii) APPLICATION.—The rule shall  
4           provide that any amendments shall apply  
5           to products manufactured on or after Jan-  
6           uary 1, 2022.

7           “(D) CONSIDERATION OF ADDITIONAL  
8           PERFORMANCE STANDARDS OR EFFICIENCY  
9           CRITERIA.—

10           “(i) FORUM.—Not later than 4 years  
11           in advance of the expected publication date  
12           of a final rule for central air conditioners  
13           and heat pumps under subparagraph (C),  
14           the Secretary shall convene and facilitate a  
15           forum for interested persons that are fairly  
16           representative of relevant points of view  
17           (including representatives of manufactur-  
18           ers of the covered product, States, and effi-  
19           ciency advocates), as determined by the  
20           Secretary, to consider adding additional  
21           performance standards or efficiency cri-  
22           teria in the forthcoming rule.

23           “(ii) RECOMMENDATION.—If, within 1  
24           year of the initial convening of such a  
25           forum, the Secretary receives a rec-

1           ommendation submitted jointly by such  
2           representative interested persons to add 1  
3           or more performance standards or effi-  
4           ciency criteria, the Secretary shall incor-  
5           porate the performance standards or effi-  
6           ciency criteria in the rulemaking process,  
7           and, if justified under the criteria estab-  
8           lished in this section, incorporate such per-  
9           formance standards or efficiency criteria in  
10          the revised standard.

11           “(iii) NO RECOMMENDATION.—If no  
12          such joint recommendation is made within  
13          1 year of the initial convening of such a  
14          forum, the Secretary may add additional  
15          performance standards or efficiency cri-  
16          teria if the Secretary finds that the bene-  
17          fits substantially exceed the burdens of the  
18          action.

19          “(E) NEW CONSTRUCTION LEVELS.—

20           “(i) IN GENERAL.—As part of any  
21          final rule concerning central air condi-  
22          tioner and heat pump standards published  
23          after June 1, 2013, the Secretary shall de-  
24          termine if the building code levels specified  
25          in section 327(f)(3)(C) should be amended

1 subject to meeting the criteria of sub-  
 2 section (o) when applied specifically to new  
 3 construction.

4 “(ii) EFFECTIVE DATE.—Any amend-  
 5 ed levels shall not take effect before Janu-  
 6 ary 1, 2018.

7 “(iii) AMENDED LEVELS.—The final  
 8 rule shall contain the amended levels, if  
 9 any.”.

10 (d) THROUGH-THE-WALL CENTRAL AIR CONDI-  
 11 TIONERS, THROUGH-THE-WALL CENTRAL AIR CONDI-  
 12 TIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOC-  
 13 ITY SYSTEMS.—Section 325(d) of the Energy Policy and  
 14 Conservation Act (42 U.S.C. 6295(d)) (as amended by  
 15 subsection (c)) is amended by adding at the end the fol-  
 16 lowing:

17 “(5) STANDARDS FOR THROUGH-THE-WALL  
 18 CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL  
 19 CENTRAL AIR CONDITIONING HEAT PUMPS, AND  
 20 SMALL DUCT, HIGH VELOCITY SYSTEMS.—

21 “(A) DEFINITIONS.—In this paragraph:

22 “(i) SMALL DUCT, HIGH VELOCITY  
 23 SYSTEM.—The term ‘small duct, high ve-  
 24 locity system’ means a heating and cooling

1 product that contains a blower and indoor  
2 coil combination that—

3 “(I) is designed for, and pro-  
4 duces, at least 1.2 inches of external  
5 static pressure when operated at the  
6 certified air volume rate of 220–350  
7 CFM per rated ton of cooling; and

8 “(II) when applied in the field,  
9 uses high velocity room outlets gen-  
10 erally greater than 1,000 fpm that  
11 have less than 6.0 square inches of  
12 free area.

13 “(ii) THROUGH-THE-WALL CENTRAL  
14 AIR CONDITIONER; THROUGH-THE-WALL  
15 CENTRAL AIR CONDITIONING HEAT  
16 PUMP.—The terms ‘through-the-wall cen-  
17 tral air conditioner’ and ‘through-the-wall  
18 central air conditioning heat pump’ mean a  
19 central air conditioner or heat pump, re-  
20 spectively, that is designed to be installed  
21 totally or partially within a fixed-size open-  
22 ing in an exterior wall, and—

23 “(I) is not weatherized;

1           “(II) is clearly and permanently  
2 marked for installation only through  
3 an exterior wall;

4           “(III) has a rated cooling capaci-  
5 ty no greater than 30,000 Btu/hr;

6           “(IV) exchanges all of its outdoor  
7 air across a single surface of the  
8 equipment cabinet; and

9           “(V) has a combined outdoor air  
10 exchange area of less than 800 square  
11 inches (split systems) or less than  
12 1,210 square inches (single packaged  
13 systems) as measured on the surface  
14 area described in subclause (IV).

15           “(iii) REVISION.—The Secretary may  
16 revise the definitions contained in this sub-  
17 paragraph through publication of a final  
18 rule.

19           “(B) RULEMAKING.—

20           “(i) IN GENERAL.—Not later than  
21 June 30, 2011, the Secretary shall publish  
22 a final rule to determine whether stand-  
23 ards for through-the-wall central air condi-  
24 tioners, through-the-wall central air condi-  
25 tioning heat pumps and small duct, high

1 velocity systems should be established or  
2 amended.

3 “(ii) APPLICATION.—The rule shall  
4 provide that any new or amended standard  
5 shall apply to products manufactured on or  
6 after June 30, 2016.”.

7 (e) FURNACES.—Section 325(f) of the Energy Policy  
8 and Conservation Act (42 U.S.C. 6295(f)) is amended by  
9 adding at the end the following:

10 “(5) NON-WEATHERIZED FURNACES (INCLUD-  
11 ING MOBILE HOME FURNACES, BUT NOT INCLUDING  
12 BOILERS) MANUFACTURED ON OR AFTER MAY 1,  
13 2013, AND WEATHERIZED FURNACES MANUFAC-  
14 TURED ON OR AFTER JANUARY 1, 2015.—

15 “(A) BASE NATIONAL STANDARDS.—

16 “(i) NON-WEATHERIZED FURNACES.—  
17 The annual fuel utilization efficiency of  
18 non-weatherized furnaces manufactured on  
19 or after May 1, 2013, shall be not less  
20 than the following:

21 “(I) Gas furnaces, 80 percent.

22 “(II) Oil furnaces, 83 percent.

23 “(ii) WEATHERIZED FURNACES.—The  
24 annual fuel utilization efficiency of weath-  
25 erized gas furnaces manufactured on or

1 after January 1, 2015, shall be not less  
2 than 81 percent.

3 “(B) REGIONAL STANDARD.—

4 “(i) ANNUAL FUEL UTILIZATION EF-  
5 FICIENCY.—The Secretary shall by May 1,  
6 2011, establish a standard for the annual  
7 fuel utilization efficiency of non-weather-  
8 ized gas furnaces manufactured on or after  
9 May 1, 2013, and installed in States hav-  
10 ing historical average annual, population  
11 weighted, heating degree days equal to or  
12 greater than 5,000 (specifically the States  
13 of Alaska, Colorado, Connecticut, Idaho,  
14 Illinois, Indiana, Iowa, Kansas, Maine,  
15 Massachusetts, Michigan, Minnesota, Mis-  
16 souri, Montana, Nebraska, New Hamp-  
17 shire, New Jersey, New York, North Da-  
18 kota, Ohio, Oregon, Pennsylvania, Rhode  
19 Island, South Dakota, Utah, Vermont,  
20 Washington, West Virginia, Wisconsin, and  
21 Wyoming).

22 “(ii) APPLICATION OF SUBSECTION  
23 (o)(6).—Subsection (o)(6) shall apply to  
24 the regional standard set forth in this sub-  
25 paragraph.

1           “(iii) SEPARATE STANDARDS.—The  
2 Secretary may establish separate standards  
3 for furnaces to be installed in newly con-  
4 structed buildings and for replacement in  
5 existing buildings.

6           “(C) AMENDMENT OF STANDARDS.—

7           “(i) NON-WEATHERIZED FURNACES.—

8           “(I) IN GENERAL.—Not later  
9 than January 1, 2014, the Secretary  
10 shall publish a final rule to determine  
11 whether the standards in effect for  
12 non-weatherized furnaces should be  
13 amended.

14           “(II) APPLICATION.—The rule  
15 shall provide that any amendments  
16 shall apply to products manufactured  
17 on or after January 1, 2019.

18           “(ii) WEATHERIZED FURNACES.—

19           “(I) IN GENERAL.—Not later  
20 than January 1, 2017, the Secretary  
21 shall publish a final rule to determine  
22 whether the standard in effect for  
23 weatherized furnaces should be  
24 amended.



1                   “(II) APPLICATION.—The rule  
2                   shall provide that any amendments  
3                   shall apply to products manufactured  
4                   on or after January 1, 2022.

5                   “(D) NEW CONSTRUCTION LEVELS.—

6                   “(i) IN GENERAL.—As part of any  
7                   final rule concerning furnace standards  
8                   published after June 1, 2013, the Sec-  
9                   retary shall determine if the building code  
10                  levels specified in section 327(f)(3)(C)  
11                  should be amended subject to meeting the  
12                  criteria of subsection (o) when applied spe-  
13                  cifically to new construction.

14                  “(ii) EFFECTIVE DATE.—Any amend-  
15                  ed levels shall not take effect before Janu-  
16                  ary 1, 2018.

17                  “(iii) AMENDED LEVELS.—The final  
18                  rule shall contain the amended levels, if  
19                  any.”.

20                  (f) EXCEPTION FOR CERTAIN BUILDING CODE RE-  
21                  QUIREMENTS.—Section 327(f) of the Energy Policy and  
22                  Conservation Act (42 U.S.C. 6297(f)) is amended—

23                         (1) in paragraph (3), by striking subparagraphs  
24                         (B) through (F) and inserting the following:

1           “(B) The code does not contain a manda-  
2           tory requirement that, under all code compli-  
3           ance paths, requires that the covered product  
4           have an energy efficiency exceeding 1 of the fol-  
5           lowing levels:

6                   “(i) The applicable energy conserva-  
7                   tion standard established in or prescribed  
8                   under section 325.

9                   “(ii) The level required by a regula-  
10                  tion of the State for which the Secretary  
11                  has issued a rule granting a waiver under  
12                  subsection (d).

13           “(C) If the energy consumption or con-  
14           servation objective in the code is determined  
15           using covered products, including any baseline  
16           building designs against which all submitted  
17           building designs are to be evaluated, the objec-  
18           tive is based on the use of covered products  
19           having efficiencies not exceeding—

20                   “(i) for residential furnaces, central  
21                   air conditioners, and heat pumps, effective  
22                   not earlier than January 1, 2013, and  
23                   until such time as a level takes effect for  
24                   the product under clause (ii)—

1 “(I) for the States described in  
2 section 325(f)(5)(B)(i)—

3 “(aa) 92 percent AFUE for  
4 gas furnaces; and

5 “(bb) 14 SEER for central  
6 air conditioners (not including  
7 heat pumps);

8 “(II) for the States and other lo-  
9 calities described in section  
10 325(d)(4)(B)(i) (except for the States  
11 of Arizona, California, Nevada, and  
12 New Mexico)—

13 “(aa) 90 percent AFUE for  
14 gas furnaces; and

15 “(bb) 15 SEER for central  
16 air conditioners;

17 “(III) for the States of Arizona,  
18 California, Nevada, and New Mex-  
19 ico—

20 “(aa) 92 percent AFUE for  
21 gas furnaces;

22 “(bb) 15 SEER for central  
23 air conditioners;

24 “(cc) an EER of 12.5 for  
25 air conditioners (not including

1 heat pumps) with cooling capac-  
2 ity less than 45,000 Btu per  
3 hour; and

4 “(dd) an EER of 12.0 for  
5 air conditioners (not including  
6 heat pumps) with cooling capac-  
7 ity of 45,000 Btu per hour or  
8 more; and

9 “(IV) for all States—

10 “(aa) 85 percent AFUE for  
11 oil furnaces; and

12 “(bb) 15 SEER and 8.5  
13 HSPF for heat pumps;

14 “(ii) the building code levels estab-  
15 lished pursuant to section 325; or

16 “(iii) the applicable standards or lev-  
17 els specified in subparagraph (B).

18 “(D) The credit to the energy consumption  
19 or conservation objective allowed by the code for  
20 installing a covered product having an energy  
21 efficiency exceeding the applicable standard or  
22 level specified in subparagraph (C) is on a 1-  
23 for-1 equivalent energy use or equivalent energy  
24 cost basis, which may take into account the typ-  
25 ical lifetimes of the products and building fea-

1           tures, using lifetimes for covered products  
2           based on information published by the Depart-  
3           ment of Energy or the American Society of  
4           Heating, Refrigerating and Air-Conditioning  
5           Engineers.

6           “(E) If the code sets forth 1 or more com-  
7           binations of items that meet the energy con-  
8           sumption or conservation objective, and if 1 or  
9           more combinations specify an efficiency level for  
10          a covered product that exceeds the applicable  
11          standards and levels specified in subparagraph  
12          (B)—

13                 “(i) there is at least 1 combination  
14                 that includes such covered products having  
15                 efficiencies not exceeding 1 of the stand-  
16                 ards or levels specified in subparagraph  
17                 (B); and

18                 “(ii) if 1 or more combinations of  
19                 items specify an efficiency level for a fur-  
20                 nace, central air conditioner, or heat pump  
21                 that exceeds the applicable standards and  
22                 levels specified in subparagraph (B), there  
23                 is at least 1 combination that the State  
24                 has found to be reasonably achievable  
25                 using commercially available technologies

1           that includes such products having effi-  
2           ciencies at the applicable levels specified in  
3           subparagraph (C), except that no combina-  
4           tion need include a product having an effi-  
5           ciency less than the level specified in sub-  
6           paragraph (B)(ii).

7           “(F) The energy consumption or conserva-  
8           tion objective is specified in terms of an esti-  
9           mated total consumption of energy (which may  
10          be specified in units of energy or its equivalent  
11          cost).”;

12          (2) in paragraph (4)(B)—

13                 (A) by inserting after “building code” the  
14                 first place it appears the following: “contains a  
15                 mandatory requirement that, under all code  
16                 compliance paths,”; and

17                 (B) by striking “unless the” and all that  
18                 follows through “subsection (d)”;

19          (3) by adding at the end the following:

20                 “(5) REPLACEMENT OF COVERED PRODUCT.—

21                 Paragraph (3) shall not apply to the replacement of  
22                 a covered product serving an existing building unless  
23                 the replacement results in an increase in capacity  
24                 greater than—

1           “(A) 12,000 Btu per hour for residential  
2           air conditioners and heat pumps; or

3           “(B) 20 percent for other covered prod-  
4           ucts.”.

5 **SEC. 3. ENERGY CONSERVATION STANDARDS FOR HEAT**  
6 **PUMP POOL HEATERS.**

7           (a) DEFINITIONS.—

8           (1) EFFICIENCY DESCRIPTOR.—Section  
9           321(22) of the Energy Policy and Conservation Act  
10          (42 U.S.C. 6291(22)) is amended—

11           (A) in subparagraph (E), by inserting  
12           “gas-fired” before “pool heaters”; and

13           (B) by adding at the end the following:

14           “(F) For heat pump pool heaters, coeffi-  
15           cient of performance of heat pump pool heat-  
16           ers.”.

17           (2) COEFFICIENT OF PERFORMANCE OF HEAT  
18           PUMP POOL HEATERS.—Section 321 of the Energy  
19           Policy and Conservation Act (42 U.S.C. 6291) is  
20           amended by inserting after paragraph (25) the fol-  
21           lowing:

22           “(25A) COEFFICIENT OF PERFORMANCE OF  
23           HEAT PUMP POOL HEATERS.—The term ‘coefficient  
24           of performance of heat pump pool heaters’ means  
25           the ratio of the capacity to power input value ob-

1       tained at the following rating conditions: 50.0 °F db/  
2       44.2 °F wb outdoor air and 80.0 °F entering water  
3       temperatures, according to AHRI Standard 1160.”.

4               (3) THERMAL EFFICIENCY OF GAS-FIRED POOL  
5       HEATERS.—Section 321(26) of the Energy Policy  
6       and Conservation Act (42 U.S.C. 6291(26)) is  
7       amended by inserting “gas-fired” before “pool heat-  
8       ers”.

9               (b) STANDARDS FOR POOL HEATERS.—Section  
10      325(e)(2) of the Energy Policy and Conservation Act (42  
11      U.S.C. 6295(e)(2)) is amended—

12              (1) by striking “(2) The thermal efficiency of  
13      pool heaters” and inserting the following:

14              “(2) POOL HEATERS.—

15              “(A) GAS-FIRED POOL HEATERS.—The  
16      thermal efficiency of gas-fired pool heaters”;  
17      and

18              (2) by adding at the end the following:

19              “(B) HEAT PUMP POOL HEATERS.—Heat  
20      pump pool heaters manufactured on or after  
21      the date of enactment of this subparagraph  
22      shall have a minimum coefficient of perform-  
23      ance of 4.0.”.



1 **SEC. 4. PORTABLE LIGHT FIXTURES.**

2 (a) DEFINITIONS.—Section 321 of the Energy Policy  
3 and Conservation Act (42 U.S.C. 6291) (as amended by  
4 section 2(a)(2)) is amended by adding at the end the fol-  
5 lowing:

6 “(69) ART WORK LIGHT FIXTURE.—The term  
7 ‘art work light fixture’ means a light fixture de-  
8 signed only to be mounted directly to an art work  
9 and for the purpose of illuminating that art work.

10 “(70) LED LIGHT ENGINE.—The term ‘LED  
11 light engine’ or ‘LED light engine with integral heat  
12 sink’ means a subsystem of an LED light fixture  
13 that—

14 “(A) includes 1 or more LED components,  
15 including—

16 “(i) an LED driver power source with  
17 electrical and mechanical interfaces; and

18 “(ii) an integral heat sink to provide  
19 thermal dissipation; and

20 “(B) may be designed to accept additional  
21 components that provide aesthetic, optical, and  
22 environmental control.

23 “(71) LED LIGHT FIXTURE.—The term ‘LED  
24 light fixture’ means a complete lighting unit con-  
25 sisting of—

1           “(A) an LED light source with 1 or more  
2 LED lamps or LED light engines; and

3           “(B) parts—

4               “(i) to distribute the light;

5               “(ii) to position and protect the light  
6 source; and

7               “(iii) to connect the light source to  
8 electrical power.

9           “(72) LIGHT FIXTURE.—The term ‘light fix-  
10 ture’ means a product designed to provide light that  
11 includes—

12               “(A) at least 1 lamp socket; and

13               “(B) parts—

14                   “(i) to distribute the light;

15                   “(ii) position and protect 1 or more  
16 lamps; and

17                   “(iii) to connect 1 or more lamps to a  
18 power supply.

19           “(73) PORTABLE LIGHT FIXTURE.—

20               “(A) IN GENERAL.—The term ‘portable  
21 light fixture’ means a light fixture that has a  
22 flexible cord and an attachment plug for con-  
23 nection to a nominal 120-volt circuit that—

24                   “(i) allows the user to relocate the  
25 product without any rewiring; and

1           “(ii) typically can be controlled with a  
2           switch located on the product or the power  
3           cord of the product.

4           “(B) EXCLUSIONS.—The term ‘portable  
5           light fixture’ does not include—

6           “(i) direct plug-in night lights, sun or  
7           heat lamps, medical or dental lights, port-  
8           able electric hand lamps, signs or commer-  
9           cial advertising displays, photographic  
10          lamps, germicidal lamps, or light fixtures  
11          for marine use or for use in hazardous lo-  
12          cations (as those terms are defined in  
13          ANSI/NFPA 70 of the National Electrical  
14          Code); or

15          “(ii) decorative lighting strings, deco-  
16          rative lighting outfits, or electric candles or  
17          candelabra without lamp shades that are  
18          covered by Underwriter Laboratories (UL)  
19          standard 588, ‘Seasonal and Holiday Dec-  
20          orative Products’.”.

21          (b) COVERAGE.—Section 322(a) of the Energy Policy  
22          and Conservation Act (42 U.S.C. 6292(a)) is amended—

23                 (1) by redesignating paragraph (20) as para-  
24                 graph (21); and

1           (2) by inserting after paragraph (19) the fol-  
2           lowing:

3           “(20) Portable light fixtures.”.

4           (c) TEST PROCEDURES.—Section 323(b) of the En-  
5           ergy Policy and Conservation Act (42 U.S.C. 6293(b)) (as  
6           amended by section 2(b)) is amended by adding at the  
7           end the following:

8           “(20) LED FIXTURES AND LED LIGHT EN-  
9           GINES.—Test procedures for LED fixtures and LED  
10          light engines shall be based on Illuminating Engi-  
11          neering Society of North America test procedure  
12          LM-79, Approved Method for Electrical and Photo-  
13          metric Testing of Solid-State Lighting Devices and  
14          an IES-approved test procedure for testing LED  
15          light engines.”.

16          (d) STANDARDS.—Section 325 of the Energy Policy  
17          and Conservation Act (42 U.S.C. 6295) is amended—

18                 (1) by redesignating subsection (ii) as sub-  
19                 section (kk); and

20                 (2) by inserting after subsection (hh) the fol-  
21                 lowing:

22                 “(ii) PORTABLE LIGHT FIXTURES.—

23                         “(1) IN GENERAL.—Subject to paragraphs (2)  
24                         and (3), portable light fixtures manufactured on or

1 after January 1, 2012, shall meet 1 or more of the  
2 following requirements:

3 “(A) Be a fluorescent light fixture that  
4 meets the requirements of the Energy Star Pro-  
5 gram for Residential Light Fixtures, Version  
6 4.2.

7 “(B) Be equipped with only 1 or more  
8 GU-24 line-voltage sockets, not be rated for  
9 use with incandescent lamps of any type (as de-  
10 fined in ANSI standards), and meet the re-  
11 quirements of version 4.2 of the Energy Star  
12 program for residential light fixtures.

13 “(C) Be an LED light fixture or a light  
14 fixture with an LED light engine and comply  
15 with the following minimum requirements:

16 “(i) Minimum light output: 200  
17 lumens (initial).

18 “(ii) Minimum LED light engine effi-  
19 cacy: 40 lumens/watt installed in fixtures  
20 that meet the minimum light fixture effi-  
21 cacy of 29 lumens/watt or, alternatively, a  
22 minimum LED light engine efficacy of 60  
23 lumens/watt for fixtures that do not meet  
24 the minimum light fixture efficacy of 29  
25 lumens/watt.

1           “(iii) All portable fixtures shall have a  
2           minimum LED light fixture efficacy of 29  
3           lumens/watt and a minimum LED light  
4           engine efficacy of 60 lumens/watt by Janu-  
5           ary 1, 2016.

6           “(iv) Color Correlated Temperature  
7           (CCT): 2700K through 4000K.

8           “(v) Minimum Color Rendering Index  
9           (CRI): 75.

10          “(vi) Power factor equal to or greater  
11          than 0.70.

12          “(vii) Portable luminaries that have  
13          internal power supplies shall have zero  
14          standby power when the luminaire is  
15          turned off.

16          “(viii) LED light sources shall deliver  
17          at least 70 percent of initial lumens for at  
18          least 25,000 hours.

19          “(D)(i) Be equipped with an ANSI-des-  
20          ignated E12, E17, or E26 screw-based socket  
21          and be prepackaged and sold together with 1  
22          screw-based compact fluorescent lamp or screw-  
23          based LED lamp for each screw-based socket  
24          on the portable light fixture.

1           “(ii) The compact fluorescent or LED  
2 lamps prepackaged with the light fixture shall  
3 be fully compatible with any light fixture con-  
4 trols incorporated into the light fixture (for ex-  
5 ample, light fixtures with dimmers shall be  
6 packed with dimmable lamps).

7           “(iii) Compact fluorescent lamps pre-  
8 packaged with light fixtures shall meet the re-  
9 quirements of the Energy Star Program for  
10 CFLs Version 4.0.

11           “(iv) Screw-based LED lamps shall comply  
12 with the minimum requirements described in  
13 subparagraph (C).

14           “(E) Be equipped with 1 or more single-  
15 ended, non-screw based halogen lamp sockets  
16 (line or low voltage), a dimmer control or high-  
17 low control, and be rated for a maximum of 100  
18 watts.

19           “(2) REVIEW.—

20           “(A) REVIEW.—The Secretary shall review  
21 the criteria and standards established under  
22 paragraph (1) to determine if revised standards  
23 are technologically feasible and economically  
24 justified.

1           “(B) COMPONENTS.—The review shall in-  
2           clude consideration of—

3                   “(i) whether a separate compliance  
4                   procedure is still needed for halogen fix-  
5                   tures described in subparagraph (E) and,  
6                   if necessary, what an appropriate standard  
7                   for halogen fixtures shall be;

8                   “(ii) which of the specific technical  
9                   criteria described in subparagraphs (A),  
10                  (C), and (D)(iii) should be modified; and

11                  “(iii) which fixtures should be exempt-  
12                  ed from the light fixture efficacy standard  
13                  as of January 1, 2016, because the fix-  
14                  tures are primarily decorative in nature (as  
15                  defined by the Secretary) and, even if ex-  
16                  empted, are likely to be sold in limited  
17                  quantities.

18           “(C) TIMING.—

19                   “(i) DETERMINATION.—Not later  
20                   than January 1, 2014, the Secretary shall  
21                   publish amended standards, or a deter-  
22                   mination that no amended standards are  
23                   justified, under this subsection.



1                   “(ii) STANDARDS.—Any standards  
2                   under this subsection take effect on Janu-  
3                   ary 1, 2016.

4                   “(3) ART WORK LIGHT FIXTURES.—Art work  
5                   light fixtures manufactured on or after January 1,  
6                   2012, shall—

7                   “(A) comply with paragraph (1); or

8                   “(B)(i) contain only ANSI-designated E12  
9                   screw-based line-voltage sockets;

10                  “(ii) have not more than 3 sockets;

11                  “(iii) be controlled with an integral high/  
12                  low switch;

13                  “(iv) be rated for not more than 25 watts  
14                  if fitted with 1 socket; and

15                  “(v) be rated for not more than 15 watts  
16                  per socket if fitted with 2 or 3 sockets.

17                  “(4) EXCEPTION FROM PREEMPTION.—Not-  
18                  withstanding section 327, Federal preemption shall  
19                  not apply to a regulation concerning portable light  
20                  fixtures adopted by the California Energy Commis-  
21                  sion on or before January 1, 2014.”.

22 **SEC. 5. GU-24 BASE LAMPS.**

23                  (a) DEFINITIONS.—Section 321 of the Energy Policy  
24                  and Conservation Act (42 U.S.C. 6291) (as amended by

1 section 4(a)) is amended by adding at the end the fol-  
2 lowing:

3           “(74) GU-24.—The term ‘GU-24’” means the  
4 designation of a lamp socket, based on a coding sys-  
5 tem by the International Electrotechnical Commis-  
6 sion, under which—

7           “(A) ‘G’ indicates a holder and socket type  
8 with 2 or more projecting contacts, such as pins  
9 or posts;

10           “(B) ‘U’ distinguishes between lamp and  
11 holder designs of similar type that are not  
12 interchangeable due to electrical or mechanical  
13 requirements; and

14           “(C) 24 indicates the distance in millime-  
15 ters between the electrical contact posts.

16           “(75) GU-24 ADAPTOR.—

17           “(A) IN GENERAL.—The term ‘GU-24  
18 Adaptor’ means a 1-piece device, pig-tail, wiring  
19 harness, or other such socket or base attach-  
20 ment that—

21           “(i) connects to a GU-24 socket on 1  
22 end and provides a different type of socket  
23 or connection on the other end; and

24           “(ii) does not alter the voltage.

1           “(B) EXCLUSION.—The term ‘GU-24  
2           Adaptor’ does not include a fluorescent ballast  
3           with a GU-24 base.

4           “(76) GU-24 BASE LAMP.—‘GU-24 base lamp’  
5           means a light bulb designed to fit in a GU-24 sock-  
6           et.”.

7           (b) STANDARDS.—Section 325 of the Energy Policy  
8           and Conservation Act (42 U.S.C. 6295) (as amended by  
9           section 4(d)) is amended by inserting after subsection (ii)  
10          the following:

11          “(jj) GU-24 BASE LAMPS.—

12                 “(1) IN GENERAL.—A GU-24 base lamp shall  
13                 not be an incandescent lamp as defined by ANSI.

14                 “(2) GU-24 ADAPTORS.—GU-24 adaptors shall  
15                 not adapt a GU-24 socket to any other line voltage  
16                 socket.”.

17          **SEC. 6. EFFICIENCY STANDARDS FOR BOTTLE-TYPE WATER**  
18                         **DISPENSERS, COMMERCIAL HOT FOOD HOLD-**  
19                         **ING CABINETS, AND PORTABLE ELECTRIC**  
20                         **SPAS.**

21          (a) DEFINITIONS.—Section 321 of the Energy Policy  
22          and Conservation Act (42 U.S.C. 6291) (as amended by  
23          section 5(a)) is amended by adding at the end the fol-  
24          lowing:

1           “(77) BOTTLE-TYPE WATER DISPENSER.—The  
2 term ‘bottle-type water dispenser’ means a drinking  
3 water dispenser that is—

4           “(A) designed for dispensing hot and cold  
5 water; and

6           “(B) uses a removable bottle or container  
7 as the source of potable water.

8           “(78) COMMERCIAL HOT FOOD HOLDING CABI-  
9 NET.—

10           “(A) IN GENERAL.—The term ‘commercial  
11 hot food holding cabinet’ means a heated, fully-  
12 enclosed compartment that—

13           “(i) is designed to maintain the tem-  
14 perature of hot food that has been cooked  
15 in a separate appliance;

16           “(ii) has 1 or more solid or glass  
17 doors; and

18           “(iii) has an interior volume of 8  
19 cubic feet or more.

20           “(B) EXCLUSIONS.—The term ‘commercial  
21 hot food holding cabinet’ does not include—

22           “(i) a heated glass merchandising cab-  
23 inet;

24           “(ii) a drawer warmer;

25           “(iii) a cook-and-hold appliance; or

1                   “(iv) a mobile serving cart with both  
2                   hot and cold compartments.

3                   “(79) COMPARTMENT BOTTLE-TYPE WATER  
4                   DISPENSER.—The term ‘compartment bottle-type  
5                   water dispenser’ means a drinking water dispenser  
6                   that—

7                   “(A) is designed for dispensing hot and  
8                   cold water;

9                   “(B) uses a removable bottle or container  
10                  as the source of potable water; and

11                  “(C) includes a refrigerated compartment  
12                  with or without provisions for making ice.

13                  “(80) PORTABLE ELECTRIC SPA.—

14                  “(A) IN GENERAL.—The term ‘portable  
15                  electric spa’ means a factory-built electric spa  
16                  or hot tub that—

17                  “(i) is intended for the immersion of  
18                  persons in heated water circulated in a  
19                  closed system; and

20                  “(ii) is not intended to be drained and  
21                  filled with each use.

22                  “(B) INCLUSIONS.—The term ‘portable  
23                  electric spa’ includes—

24                  “(i) a filter;

1                   “(ii) a heater (including an electric,  
2                   solar, or gas heater);

3                   “(iii) a pump;

4                   “(iv) a control; and

5                   “(v) other equipment, such as a light,  
6                   a blower, and water sanitizing equipment.

7                   “(C) EXCLUSIONS.—The term ‘portable  
8                   electric spa’ does not include—

9                   “(i) a permanently installed spa that,  
10                  once installed, cannot be moved; or

11                  “(ii) a spa that is specifically designed  
12                  and exclusively marketed for medical treat-  
13                  ment or physical therapy purposes.

14                  “(81) WATER DISPENSER.—The term ‘water  
15                  dispenser’ means a factory-made assembly that—

16                  “(A) mechanically cools and heats potable  
17                  water; and

18                  “(B) dispenses the cooled or heated water  
19                  by integral or remote means.”.

20                  (b) COVERAGE.—

21                  (1) IN GENERAL.—Section 322(a) of the En-  
22                  ergy Policy and Conservation Act (42 U.S.C.  
23                  6292(a)) (as amended by section 4(b)(1)) is amend-  
24                  ed—

1 (A) by redesignating paragraph (21) as  
2 paragraph (24); and

3 (B) by inserting after paragraph (20) the  
4 following:

5 “(21) Bottle-type water dispensers and com-  
6 partment bottle-type water dispensers.

7 “(22) Commercial hot food holding cabinets.

8 “(23) Portable electric spas.”

9 (2) CONFORMING AMENDMENTS.—

10 (A) Section 324 of the Energy Policy and  
11 Conservation Act (42 U.S.C. 6294) is amended  
12 by striking “(19)” each place it appears in sub-  
13 sections (a)(3), (b)(1)(B), (b)(3), and (b)(5)  
14 and inserting “(24)”.

15 (B) Section 325(l) of the Energy Policy  
16 and Conservation Act (42 U.S.C. 6295(l)) is  
17 amended by striking “paragraph (19)” each  
18 place it appears in paragraphs (1) and (2) and  
19 inserting “paragraph (24)”.

20 (c) TEST PROCEDURES.—Section 323(b) of the En-  
21 ergy Policy and Conservation Act (42 U.S.C. 6293(b)) (as  
22 amended by section 4(c)) is amended by adding at the end  
23 the following:

24 “(21) BOTTLE-TYPE WATER DISPENSERS.—

1           “(A) IN GENERAL.—Test procedures for  
2           bottle-type water dispensers and compartment  
3           bottle-type water dispensers shall be based on  
4           the document ‘Energy Star Program Require-  
5           ments for Bottled Water Coolers version 1.1’  
6           published by the Environmental Protection  
7           Agency.

8           “(B) INTEGRAL, AUTOMATIC TIMERS.—A  
9           unit with an integral, automatic timer shall not  
10          be tested under this paragraph using section  
11          4D of the test criteria (relating to Timer  
12          Usage).

13          “(22) COMMERCIAL HOT FOOD HOLDING CABI-  
14          NETS.—

15               “(A) IN GENERAL.—Test procedures for  
16               commercial hot food holding cabinets shall be  
17               based on the test procedures described in  
18               ANSI/ASTM F2140–01 (Test for idle energy  
19               rate-dry test).

20               “(B) INTERIOR VOLUME.—Interior volume  
21               shall be based under this paragraph on the  
22               method demonstrated in the document ‘Energy  
23               Star Program Requirements for Commercial  
24               Hot Food Holding Cabinets’ of the Environ-



1           mental Protection Agency, as in effect on Au-  
2           gust 15, 2003.

3           “(23) PORTABLE ELECTRIC SPAS.—

4                   “(A) IN GENERAL.—Test procedures for  
5           portable electric spas shall be based on the test  
6           method for portable electric spas described in  
7           section 1604 of title 20, California Code of  
8           Regulations, as amended on December 3, 2008.

9                   “(B) NORMALIZED CONSUMPTION.—Con-  
10          sumption shall be normalized under this para-  
11          graph for a water temperature difference of 37  
12          degrees Fahrenheit.

13                   “(C) ANSI TEST PROCEDURE.—If the  
14          American National Standards Institute pub-  
15          lishes a test procedure for portable electric  
16          spas, the Secretary shall revise the procedure  
17          established under this paragraph, as determined  
18          appropriate by the Secretary.”.

19          (d) STANDARDS.—Section 325 of the Energy Policy  
20          and Conservation Act (42 U.S.C. 6295) (as amended by  
21          sections 4(d) and 5(b)) is amended—

22                   (1) by redesignating subsection (kk) as sub-  
23          section (oo); and

24                   (2) by inserting after subsection (jj) the fol-  
25          lowing:

1       “(kk) BOTTLE-TYPE WATER DISPENSERS.—Effective  
2       tive beginning January 1, 2012—

3               “(1) a bottle-type water dispenser shall not  
4       have standby energy consumption that is greater  
5       than 1.2 kilowatt-hours per day; and

6               “(2) a compartment bottle-type water dispenser  
7       shall not have standby energy consumption that is  
8       greater than 1.3 kilowatt-hours per day.

9       “(ll) COMMERCIAL HOT FOOD HOLDING CABI-  
10       NETS.—Effective beginning January 1, 2012, a commer-  
11       cial hot food holding cabinet shall have a maximum idle  
12       energy rate of 40 watts per cubic foot of interior volume.

13       “(mm) PORTABLE ELECTRIC SPAS.—Effective begin-  
14       ning January 1, 2012, a portable electric spa shall not  
15       have a normalized standby power rate of greater than 5  
16       ( $V^{2/3}$ ) Watts (in which ‘V’ equals the fill volume (in gal-  
17       lons)).

18       “(nn) REVISIONS.—

19               “(1) IN GENERAL.—Not later than January 1,  
20       2013, the Secretary shall—

21                       “(A) consider in accordance with sub-  
22                       section (o) revisions to the standards estab-  
23                       lished under subsections (kk), (ll), and (mm);  
24                       and

1           “(B)(i) publish a final rule establishing the  
2 revised standards; or

3           “(ii) make a finding that no revisions are  
4 technically feasible and economically justified.

5           “(2) EFFECTIVE DATE.—Any revised standards  
6 under this subsection take effect on January 1,  
7 2016.”.

8           (e) PREEMPTION.—Section 327 of the Energy Policy  
9 and Conservation Act (42 U.S.C. 6297) is amended—

10           (1) in subsection (b)—

11           (A) in paragraph (6), by striking “or”  
12 after the semicolon at the end;

13           (B) in paragraph (7), by striking the pe-  
14 riod at the end and inserting “; or”; and

15           (C) by adding at the end the following:

16           “(8) is a regulation that—

17           “(A) establishes efficiency standards for  
18 bottle-type water dispensers, compartment bot-  
19 tle-type water dispensers, commercial hot food  
20 holding cabinets, or portable electric spas; and

21           “(B) is in effect on or before the date of  
22 enactment of this paragraph.”; and

23           (2) in subsection (c)—

24           (A) in paragraph (8)(B), by striking “and”  
25 after the semicolon at the end;

1 (B) in paragraph (9)—

2 (i) by striking “except that—” and all  
3 that follows through “if the Secretary” and  
4 inserting “except that if the Secretary”;

5 (ii) by redesignating clauses (i) and  
6 (ii) as subparagraphs (A) and (B), respec-  
7 tively, and indenting appropriately; and

8 (iii) in subparagraph (B) (as so redes-  
9 igned), by striking the period at the end  
10 and inserting “; or”; and

11 (C) by adding at the end the following:

12 “(10) is a regulation that—

13 “(A) establishes efficiency standards for  
14 bottle-type water dispensers, compartment bot-  
15 tle-type water dispensers, commercial hot food  
16 holding cabinets, or portable electric spas; and

17 “(B) is adopted by the California Energy  
18 Commission on or before January 1, 2013.”.

19 **SEC. 7. TEST PROCEDURE PETITION PROCESS.**

20 (a) CONSUMER PRODUCTS OTHER THAN AUTO-  
21 MOBILES.—Section 323(b)(1) of the Energy Policy and  
22 Conservation Act (42 U.S.C. 6293(b)(1)) is amended—

23 (1) in subparagraph (A)(i), by striking  
24 “amend” and inserting “publish in the Federal Reg-  
25 ister amended”; and

1 (2) by adding at the end the following:

2 “(B) PETITIONS.—

3 “(i) IN GENERAL.—In the case of any  
4 covered product, any person may petition  
5 the Secretary to conduct a rulemaking—

6 “(I) to prescribe a test procedure  
7 for the covered product; or

8 “(II) to amend the test proce-  
9 dures applicable to the covered prod-  
10 uct to more accurately or fully comply  
11 with paragraph (3).

12 “(ii) DETERMINATION.—The Sec-  
13 retary shall—

14 “(I) not later than 90 days after  
15 the date of receipt of the petition,  
16 publish the petition in the Federal  
17 Register; and

18 “(II) not later than 180 days  
19 after the date of receipt of the peti-  
20 tion, grant or deny the petition.

21 “(iii) BASIS.—The Secretary shall  
22 grant a petition if the Secretary finds that  
23 the petition contains evidence that, assum-  
24 ing no other evidence was considered, pro-  
25 vides an adequate basis for determining

1 that an amended test method would more  
2 accurately or fully comply with paragraph  
3 (3).

4 “(iv) EFFECT ON OTHER REQUIRE-  
5 MENTS.—The granting of a petition by the  
6 Secretary under this subparagraph shall  
7 create no presumption with respect to the  
8 determination of the Secretary that the  
9 proposed test procedure meets the require-  
10 ments of paragraph (3).

11 “(v) RULEMAKING.—

12 “(I) IN GENERAL.—Except as  
13 provided in subclause (II), not later  
14 than the end of the 18-month period  
15 beginning on the date of granting a  
16 petition, the Secretary shall publish  
17 an amended test method or a deter-  
18 mination not to amend the test meth-  
19 od.

20 “(II) EXTENSION.—The Sec-  
21 retary may extend the period de-  
22 scribed in subclause (I) for 1 addi-  
23 tional year.

24 “(III) DIRECT FINAL RULE.—  
25 The Secretary may adopt a consensus

1 test procedure in accordance with the  
2 direct final rule procedure established  
3 under section 325(p)(4).”.

4 (b) CERTAIN INDUSTRIAL EQUIPMENT.—Section 343  
5 of the Energy Policy and Conservation Act (42 U.S.C.  
6 6314) is amended—

7 (1) in subsection (a), by striking paragraph (1)  
8 and inserting the following:

9 “(1) AMENDMENT AND PETITION PROCESS.—

10 “(A) IN GENERAL.—At least once every 7  
11 years, the Secretary shall review test procedures  
12 for all covered equipment and—

13 “(i) publish in the Federal Register  
14 amended test procedures with respect to  
15 any covered equipment, if the Secretary  
16 determines that amended test procedures  
17 would more accurately or fully comply with  
18 paragraphs (2) and (3); or

19 “(ii) publish notice in the Federal  
20 Register of any determination not to  
21 amend a test procedure.

22 “(B) PETITIONS.—

23 “(i) IN GENERAL.—In the case of any  
24 class or category of covered equipment,

1 any person may petition the Secretary to  
2 conduct a rulemaking—

3 “(I) to prescribe a test procedure  
4 for the covered equipment; or

5 “(II) to amend the test proce-  
6 dures applicable to the covered equip-  
7 ment to more accurately or fully com-  
8 ply with paragraphs (2) and (3).

9 “(ii) DETERMINATION.—The Sec-  
10 retary shall—

11 “(I) not later than 90 days after  
12 the date of receipt of the petition,  
13 publish the petition in the Federal  
14 Register; and

15 “(II) not later than 180 days  
16 after the date of receipt of the peti-  
17 tion, grant or deny the petition.

18 “(iii) BASIS.—The Secretary shall  
19 grant a petition if the Secretary finds that  
20 the petition contains evidence that, assum-  
21 ing no other evidence was considered, pro-  
22 vides an adequate basis for determining  
23 that an amended test method would more  
24 accurately promote energy or water use ef-  
25 ficiency.



1           “(iv) EFFECT ON OTHER REQUIRE-  
2           MENTS.—The granting of a petition by the  
3           Secretary under this paragraph shall cre-  
4           ate no presumption with respect to the de-  
5           termination of the Secretary that the pro-  
6           posed test procedure meets the require-  
7           ments of paragraphs (2) and (3).

8           “(v) RULEMAKING.—

9           “(I) IN GENERAL.—Except as  
10          provided in subclause (II), not later  
11          than the end of the 18-month period  
12          beginning on the date of granting a  
13          petition, the Secretary shall publish  
14          an amended test method or a deter-  
15          mination not to amend the test meth-  
16          od.

17          “(II) EXTENSION.—The Sec-  
18          retary may extend the period de-  
19          scribed in subclause (I) for 1 addi-  
20          tional year.

21          “(III) DIRECT FINAL RULE.—  
22          The Secretary may adopt a consensus  
23          test procedure in accordance with the  
24          direct final rule procedure established  
25          under section 325(p).”;

1           (2) by striking subsection (c); and  
2           (3) by redesignating subsections (d) and (e) as  
3 subsections (c) and (d), respectively.

4 **SEC. 8. ENERGY EFFICIENCY PROVISIONS.**

5       (a) **DIRECT FINAL RULE.**—Section 323(b)(1) of the  
6 Energy Policy and Conservation Act (42 U.S.C.  
7 6293(b)(1)) (as amended by section 7(a)(2)) is amended  
8 by adding at the end the following:

9           “(C) **TEST PROCEDURES.**—The Secretary  
10 may, in accordance with the requirements of  
11 this subsection, prescribe test procedures for  
12 any consumer product classified as a covered  
13 product under section 322(b).

14           “(D) **NEW OR AMENDED TEST PROCE-**  
15 **DURES.**—The Secretary shall direct the Na-  
16 tional Institute of Standards and Technology to  
17 assist in developing new or amended test proce-  
18 dures.”.

19       (b) **CRITERIA FOR PRESCRIBING NEW OR AMENDED**  
20 **STANDARDS.**—Section 325(o) of the Energy Policy and  
21 Conservation Act (42 U.S.C. 6295(o)) is amended—

22           (1) in paragraph (2)(B)—

23           (A) in clause (i)—

1 (i) in subclause (III), by adding before  
2 the semicolon “and the estimated impact  
3 on average energy prices”;

4 (ii) in subclause (VI), by striking “;  
5 and” and inserting a semicolon;

6 (iii) by redesignating subclause (VII)  
7 as subclause (VIII); and

8 (iv) by inserting after subclause (VI)  
9 the following:

10 “(VII) the net energy, environ-  
11 mental, and economic impacts due to  
12 smart grid technologies or capabilities  
13 in a covered product that enable de-  
14 mand response or response to time-de-  
15 pendent energy pricing, taking into  
16 consideration the rate of use of the  
17 smart grid technologies or capabilities  
18 over the life of the product that is  
19 likely to result from the imposition of  
20 the standard; and”;

21 (B) in clause (iii)—

22 (i) by striking “(iii) If the Secretary  
23 finds” and inserting the following:

24 “(iii) REBUTTABLE PRESUMPTION.—

1                   “(I) IN GENERAL.—Subject to  
2                   subclause (II), if the Secretary finds”;

3                   (ii) in subclause (I) (as designated by  
4                   clause (i)), by striking “three” and insert-  
5                   ing “4”; and

6                   (iii) by striking the second sentence  
7                   and inserting the following:

8                   “(II) MULTIPLIER FOR CERTAIN  
9                   PRODUCTS.—For any product with an  
10                  average expected useful life of less  
11                  than 4 years, the rebuttable presump-  
12                  tion described in subclause (I) shall be  
13                  determined using 75 percent of the  
14                  average expected useful life of the  
15                  product as a multiplier instead of 4.

16                  “(III) REQUIREMENT FOR RE-  
17                  BUTTAL OF PRESUMPTION.—A pre-  
18                  sumption described in subclause (I)  
19                  may be rebutted only if the Secretary  
20                  finds, based on clear and substantial  
21                  evidence, that—

22                         “(aa) the standard level  
23                         would cause substantial hardship  
24                         to the average consumer of the  
25                         product, or to manufacturers

1 supplying a significant portion of  
2 the market for the product, in  
3 terms of manufacturing or prod-  
4 uct cost or loss of product utility  
5 or features, the aggregate of  
6 which outweighs the benefits of  
7 the standard level;

8 “(bb) the standard and im-  
9 plementing regulations cannot  
10 reasonably be designed to avoid  
11 or mitigate any hardship de-  
12 scribed in item (aa) (including  
13 through the adoption of regional  
14 standards for the products identi-  
15 fied in, and consistent with, para-  
16 graph (6) or other reasonable  
17 means consistent with this part)  
18 and the hardship cannot be  
19 avoided or mitigated through the  
20 procedures described in section  
21 504 of the Department of Energy  
22 Organization Act (42 U.S.C.  
23 7194); and

24 “(cc) the same or a substan-  
25 tially similar hardship with re-

1 spect to a hardship described in  
2 item (aa) would not occur under  
3 a standard adopted in the ab-  
4 sence of the presumption, but  
5 that otherwise meets the require-  
6 ments of this section.

7 “(IV) PROHIBITED FACTORS FOR  
8 DETERMINATION.—

9 “(aa) IN GENERAL.—Except  
10 as provided in item (bb), a deter-  
11 mination by the Secretary that  
12 the criteria triggering a presump-  
13 tion described in subclause (I)  
14 are not met, or that the criterion  
15 for rebutting the presumption are  
16 met, shall not be taken into con-  
17 sideration by the Secretary in de-  
18 termining whether a standard is  
19 economically justified.

20 “(bb) EXCEPTION.—Evi-  
21 dence presented regarding the  
22 presumption may be considered  
23 by the Secretary in making a de-  
24 termination described in item  
25 (aa).”; and

1 (2) by adding at the end the following:

2 “(7) INCORPORATION OF SMART GRID TECH-  
3 NOLOGIES.—

4 “(A) IN GENERAL.—The Secretary, after  
5 consultation with the Director of the National  
6 Institute of Standards and Technology, may in-  
7 corporate smart grid technologies or capabilities  
8 into standards described in subparagraph (B).

9 “(B) STANDARDS.—Standards referred to  
10 in subparagraph (A) shall meet the require-  
11 ments of this section, including through incor-  
12 poration of—

13 “(i) standards that provide credit for  
14 smart grid technologies or capabilities, if  
15 the smart grid technologies or capabilities  
16 provide net benefits substantially equiva-  
17 lent to benefits of products that meet the  
18 standards without smart grid technologies  
19 or capabilities, taking into consideration  
20 energy, economic, and environmental im-  
21 pacts (including emissions reductions from  
22 electrical generation); and

23 “(ii) 1 or more performance standards  
24 or design requirements, if the required  
25 smart grid technologies or capabilities are

1           technologically feasible and provide net  
2           benefits, taking into consideration energy,  
3           economic, and environmental impacts (in-  
4           cluding emissions reductions from elec-  
5           trical generation).”.

6           (c) OBTAINMENT OF APPLIANCE INFORMATION  
7 FROM MANUFACTURERS.—Section 326 of the Energy Pol-  
8 icy and Conservation Act (42 U.S.C. 6296) is amended  
9 by striking subsection (d) and inserting the following:

10          “(d) INFORMATION REQUIREMENTS.—

11                 “(1) IN GENERAL.—For purposes of carrying  
12           out this part, the Secretary shall promulgate pro-  
13           posed regulations not later than 1 year after the  
14           date of enactment of the Implementation of National  
15           Consensus Appliance Agreements Act, and after re-  
16           ceiving public comment, final regulations not later  
17           than 18 months after the date of enactment of that  
18           Act, under this part or other provision of law admin-  
19           istered by the Secretary, that shall require each  
20           manufacturer of a covered product, on a product  
21           specific basis, to submit information or reports to  
22           the Secretary—

23                         “(A) in such form as the Secretary may  
24           adopt; and

25                         “(B)(i) on an annual basis; or



1           “(ii) at longer-than-annual intervals, but  
2           not less frequently than once every 3 years.

3           “(2) FORM AND CONTENT OF REPORTS.—The  
4           form and content of each report required by a man-  
5           ufacturer of a covered product under paragraph  
6           (1)—

7           “(A) may vary by product type, as deter-  
8           mined by the Secretary; and

9           “(B) shall include information or data re-  
10          garding—

11          “(i) the annual shipments by the man-  
12          ufacturer of each class or category of cov-  
13          ered products, subdivided, to the extent  
14          practicable, by—

15                 “(I) energy efficiency, energy  
16                 use, and, in the case of products with  
17                 water use standards, water use;

18                 “(II) the presence or absence of  
19                 such efficiency related or energy con-  
20                 suming operational characteristics or  
21                 components that are or may be re-  
22                 quired as part of a standard as the  
23                 Secretary determines to be relevant  
24                 for the purposes of carrying out this  
25                 part; and

1                   “(III) for covered products for  
2                   which the Secretary may adopt re-  
3                   gional standards, shipments to Cali-  
4                   fornia and regional location of sale;  
5                   and

6                   “(ii) such other categories of informa-  
7                   tion that the Secretary determines to be  
8                   relevant to carry out this part, including  
9                   such other information that may be nec-  
10                  essary—

11                  “(I) to establish and revise—

12                          “(aa) test procedures;

13                          “(bb) labeling rules; and

14                          “(cc) energy conservation  
15                          standards;

16                  “(II) to ensure compliance with  
17                  the requirements of this part; and

18                  “(III) to estimate the impacts on  
19                  consumers and manufacturers of en-  
20                  ergy conservation standards in effect  
21                  as of the reporting date.

22                  “(3) REQUIREMENTS OF SECRETARY IN PRO-  
23                  MULGATING REGULATIONS.—

1           “(A) IN GENERAL.—In promulgating regu-  
2 lations under paragraph (1), the Secretary shall  
3 consider—

4           “(i) existing public sources of infor-  
5 mation, including nationally recognized  
6 certification or verification programs of  
7 trade associations and States; and

8           “(ii)(I) whether some or all of the in-  
9 formation described in paragraph (2) is  
10 submitted to another Federal agency; and

11           “(II) the means by which to minimize  
12 any duplication of requests for information  
13 by Federal agencies.

14           “(B) COORDINATION WITH TRADE ASSO-  
15 CIATIONS AND STATES.—In carrying out sub-  
16 paragraph (A)(i), the Secretary shall, to the ex-  
17 tent practicable, coordinate with trade associa-  
18 tions and States—

19           “(i) to ensure the uniformity of the  
20 reporting requirements; and

21           “(ii) to mitigate reporting burdens.

22           “(4) MINIMIZATION OF BURDENS ON MANUFAC-  
23 TURERS.—In carrying out this subsection, the Sec-  
24 retary shall exercise the authority of the Secretary  
25 under this subsection in a manner designed to mini-

1       mize burdens on the manufacturers of covered prod-  
2       ucts.

3           “(5) REPORTING OF ENERGY INFORMATION.—

4           “(A) IN GENERAL.—Section 11(d) of the  
5       Energy Supply and Environmental Coordina-  
6       tion Act of 1974 (15 U.S.C. 796(d)) shall apply  
7       with respect to information obtained under this  
8       subsection to the same extent and in the same  
9       manner as section 11(d) of that Act applies  
10      with respect to energy information obtained  
11      under section 11 of that Act.

12          “(B) DISCLOSURE OF INDUSTRY AGGRE-  
13      GATED SHIPMENT DATA.—To protect individual  
14      company shipment information from public dis-  
15      closure, the Secretary shall, to the maximum  
16      extent practicable, disclose to the public the in-  
17      formation required under clauses (i) and (ii) of  
18      paragraph (2)(B) in a form that has been ag-  
19      gregated by industry associations that are au-  
20      thorized by manufacturers to report the aggre-  
21      gated information for public disclosure on be-  
22      half of the manufacturers.

23          “(6) LIMITATIONS.—Nothing in this subsection  
24      limits—

1           “(A) the ability of any State to collect in-  
2           formation and data from manufacturers, indus-  
3           try or trade associations, or other entities, pur-  
4           suant to the statutory or regulatory authority  
5           of the State;

6           “(B) the application of section 327(a) to  
7           any State law (including regulations); or

8           “(C) the authority of the Secretary to re-  
9           quire each manufacturer of a covered product  
10          to submit information or reports regarding the  
11          compliance by the manufacturer with the re-  
12          quirements of this part.

13          “(7) PERIODIC REVISIONS.—In accordance with  
14          each procedure and criteria required under para-  
15          graph (1), the Secretary may periodically revise the  
16          reporting requirements adopted under this sub-  
17          section.”.

18          (d) WAIVER OF FEDERAL PREEMPTION.—Section  
19          327(d)(1) of the Energy Policy and Conservation Act (42  
20          U.S.C. 6297(d)(1)) is amended—

21                  (1) in subparagraph (B)—

22                          (A) by inserting “(i)” before “Subject to  
23                          paragraphs”; and

24                          (B) by adding at the end the following:

1       “(ii) In making a finding under clause (i), the Sec-  
2 retary may not reject a petition for failure of the peti-  
3 tioning State or river basin commission to produce con-  
4 fidential information maintained by any manufacturer or  
5 distributor, or group or association of manufacturers or  
6 distributors, that the petitioning party has requested and  
7 not received.”; and

8           (2) in the matter following subparagraph  
9 (C)(ii), by adding at the end the following: “Not-  
10 withstanding the preceding sentence, the Secretary  
11 may approve a waiver petition submitted by a State  
12 that does not have an energy plan and forecast if  
13 the waiver petition concerns a State regulation  
14 adopted pursuant to a notice and comment rule-  
15 making proceeding.”.

16 (e) PERMITTING STATES TO SEEK INJUNCTIVE EN-  
17 FORCEMENT.—Section 334 of the Energy Policy and Con-  
18 servation Act (42 U.S.C. 6304) is amended to read as fol-  
19 lows:

20 **“SEC. 334. PERMITTING STATES TO SEEK INJUNCTIVE EN-**  
21 **FORCEMENT.**

22       “(a) JURISDICTION.—The United States district  
23 courts shall have original jurisdiction of a civil action seek-  
24 ing an injunction to restrain—

25           “(1) any violation of section 332; and

1           “(2) any person from distributing in commerce  
2 any covered product that does not comply with an  
3 applicable rule under section 324 or 325.

4           “(b) AUTHORITY.—

5           “(1) IN GENERAL.—Except as provided in para-  
6 graph (2), an action under subsection (a) shall be  
7 brought by—

8           “(A) the Commission; or

9           “(B) the attorney general of a State in the  
10 name of the State.

11          “(2) EXCEPTIONS.—

12          “(A) IN GENERAL.—Notwithstanding para-  
13 graph (1), only the Secretary may bring an ac-  
14 tion under this section to restrain—

15           “(i) a violation of section 332(a)(3)  
16 relating to a requirement prescribed by the  
17 Secretary;

18           “(ii) a violation of section 332(a)(4)  
19 relating to a request by the Secretary  
20 under section 326(b)(2); or

21           “(iii) a violation of paragraph (8), (9),  
22 or (10) of section 332(a).

23          “(B) OTHER PROHIBITED ACTS.—An ac-  
24 tion under this section regarding a violation of

1 paragraph (5) or (7) of section 332(a) shall be  
2 brought by—

3 “(i) the Secretary; or

4 “(ii) the attorney general of a State in  
5 the name of the State.

6 “(c) LIMITATION.—If an action under this section is  
7 brought by the attorney general of a State—

8 “(1) not less than 30 days before the date of  
9 commencement of the action, the State shall—

10 “(A) provide written notice to the Sec-  
11 retary and the Commission; and

12 “(B) provide the Secretary and the Com-  
13 mission with a copy of the complaint;

14 “(2) the Secretary and the Commission—

15 “(A) may intervene in the suit or action;

16 “(B) upon intervening, shall be heard on  
17 all matters arising from the suit or action; and

18 “(C) may file petitions for appeal;

19 “(3) no separate action may be brought under  
20 this section if, at the time written notice is provided  
21 under paragraph (1), the same alleged violation or  
22 failure to comply is the subject of a pending action,  
23 or a final judicial judgment or decree, by the United  
24 States under this Act; and

25 “(4) the action shall not be construed—



1           “(A) as to prevent the attorney general of  
2 a State, or other authorized officer of the State,  
3 from exercising the powers conferred on the at-  
4 torney general, or other authorized officer of  
5 the State, by the laws of the State (including  
6 regulations); or

7           “(B) as to prohibit the attorney general of  
8 a State, or other authorized officer of the State,  
9 from proceeding in a Federal or State court on  
10 the basis of an alleged violation of any civil or  
11 criminal statute of the State.

12       “(d) VENUE; SERVICE OF PROCESS.—

13           “(1) VENUE.—An action under this section  
14 may be brought in the United States district court  
15 for—

16           “(A) the district in which the act, omis-  
17 sion, or transaction constituting the applicable  
18 violation occurred; or

19           “(B) the district in which the defendant—

20                   “(i) resides; or

21                   “(ii) transacts business.

22           “(2) SERVICE OF PROCESS.—In an action  
23 under this section, process may be served on a de-  
24 fendant in any district in which the defendant re-  
25 sides or is otherwise located.”.

1           (f) TREATMENT OF APPLIANCES WITHIN BUILDING  
2 CODES.—Section 327 of the Energy Policy and Conserva-  
3 tion Act (42 U.S.C. 6297) is amended by adding at the  
4 end the following:

5           “(h) RECOGNITION OF ALTERNATIVE REFRIGERANT  
6 USES.—With respect to State or local laws (including reg-  
7 ulations) prohibiting, limiting, or restricting the use of al-  
8 ternative refrigerants for specific end uses approved by the  
9 Administrator of the Environmental Protection Agency  
10 pursuant to the Significant New Alternatives Program  
11 under section 612 of the Clean Air Act (42 U.S.C. 7671k)  
12 for use in a covered product under section 322(a)(1) con-  
13 sidered on or after the date of enactment of this sub-  
14 section, notice shall be provided to the Administrator be-  
15 fore or during any State or local public comment period  
16 to provide to the Administrator an opportunity to com-  
17 ment.”.

18           (g) ENFORCEMENT.—Section 333 of the Energy Pol-  
19 icy and Conservation Act (42 U.S.C. 6303) is amended—

20                 (1) in subsection (a)—

21                         (A) by striking the first sentence and in-  
22                         serting the following:

23                         “(1) PROHIBITED ACTS.—Except as provided in  
24                         subsection (c), any person who knowingly violates  
25                         any provision of section 332, or any regulation pro-

1 mulgated pursuant to that section, shall be subject  
2 to a civil penalty.”;

3 (B) in the second sentence—

4 (i) by striking “Such penalties” and  
5 inserting the following:

6 “(2) ASSESSMENT.—The penalties”; and

7 (ii) by striking “violations of section  
8 332(a)(5)” and inserting “violations of  
9 paragraphs (5), (8), (9), and (10) of sec-  
10 tion 332(a)”;

11 (C) in the third sentence, by striking “Civil  
12 penalties” and inserting the following:

13 “(3) COMPROMISE.—Civil penalties”; and

14 (D) by striking the fourth sentence and in-  
15 serting the following:

16 “(4) SEPARATE VIOLATIONS.—Each violation of  
17 paragraph (1), (2), or (5) of section 332(a) shall  
18 constitute a separate violation with respect to each  
19 covered product, with a maximum civil penalty of up  
20 to \$100,000 or \$400 per unit, whichever is greater,  
21 and each day of violation of paragraph (3), (4), (8),  
22 (9), or (10) of section 332(a) shall constitute a sepa-  
23 rate violation, with a maximum civil penalty of \$500  
24 per day.”; and

25 (2) in subsection (d)—

1 (A) in paragraph (1), by striking the sec-  
2 ond sentence; and

3 (B) in paragraph (2)(A), by striking “Un-  
4 less an election is made within 30 calendar days  
5 after receipt of notice under paragraph (1) to  
6 have paragraph (3) apply with respect to such  
7 penalty,” and inserting “If the proposed pen-  
8 alty arises from an alleged violation of para-  
9 graph (3), (4), (5), (9), or (10) of section  
10 332(a),”;

11 (3) by striking paragraph (3) and inserting the  
12 following:

13 “(3) FAILURE TO CERTIFY.—If the proposed  
14 penalty arises from an alleged failure to certify a  
15 covered product as required by section 332(a)(8),  
16 the Secretary shall assess the penalty, by order,  
17 after an informal adjudication conducted under sec-  
18 tion 555 of title 5, United States Code.”; and

19 (4) in paragraph (4), in the first sentence, by  
20 striking “amount of such penalty” and inserting  
21 “amount of the penalty, plus interest assessed from  
22 the date upon which the assessment of a civil pen-  
23 alty became a final and unappealable order under  
24 paragraph (2),”.

1 **SEC. 9. MEASURING ICEMAKER ENERGY.**

2 Section 323(b) of the Energy Policy and Conserva-  
3 tion Act (42 U.S.C. 6293(b)) (as amended by section 6(e))  
4 is amended by adding at the end the following:

5 “(24) REFRIGERATOR AND FREEZER TEST PRO-  
6 CEDURE.—

7 “(A) IN GENERAL.—Not later than Janu-  
8 ary 1, 2011, the Secretary shall finalize the test  
9 procedure proposed on May 27, 2010, with such  
10 modifications as the Secretary determines to be  
11 appropriate and consistent with this part.

12 “(B) RULEMAKING.—

13 “(i) INITIATION.—Not later than Jan-  
14 uary 1, 2012, the Secretary shall initiate a  
15 rulemaking to amend the test procedure  
16 described in subparagraph (A) only to in-  
17 corporate measured automatic icemaker  
18 energy use.

19 “(ii) FINAL RULE.—Not later than  
20 December 31, 2012, the Secretary shall  
21 publish a final rule regarding the matter  
22 described in clause (i).

23 “(25) ADDITIONAL HOME APPLIANCE TEST  
24 PROCEDURES.—

25 “(A) FINAL RULE.—Not later than Octo-  
26 ber 1, 2011, the Secretary shall publish a final

1 rule amending the residential clothes washer  
2 test procedure.

3 “(B) FINALIZATION OF TEST PROCEDURE  
4 FOR CLOTHES DRYERS.—Not later than April  
5 1, 2011, the Secretary shall finalize the test  
6 procedure for clothes dryers proposed on June  
7 29, 2010, with such modifications as the Sec-  
8 retary determines to be appropriate and con-  
9 sistent with this part.

10 “(C) FINALIZATION OF TEST PROCEDURE  
11 FOR ROOM AIR CONDITIONERS.—Not later than  
12 April 1, 2011, the Secretary shall finalize the  
13 test procedure for room air conditioners pro-  
14 posed on June 29, 2010, with such modifica-  
15 tions as the Secretary determines to be appro-  
16 priate and consistent with this part.”.

17 **SEC. 10. CREDIT FOR ENERGY STAR SMART APPLIANCES.**

18 Section 324A of the Energy Policy and Conservation  
19 Act (42 U.S.C. 6294a) is amended by adding at the end  
20 the following:

21 “(e) CREDIT FOR SMART APPLIANCES.—Not later  
22 than 180 days after the date of enactment of this sub-  
23 section, after soliciting comments pursuant to subsection  
24 (c)(5), the Administrator of the Environmental Protection  
25 Agency, in cooperation with the Secretary, shall determine

1 whether to update the Energy Star criteria for residential  
 2 refrigerators, refrigerator-freezers, freezers, dishwashers,  
 3 clothes washers, clothes dryers, and room air conditioners  
 4 to incorporate smart grid and demand response features.”.

5 **SEC. 11. VIDEO GAME CONSOLE ENERGY EFFICIENCY**  
 6 **STUDY.**

7 (a) IN GENERAL.—Part B of title III of the Energy  
 8 Policy and Conservation Act is amended by inserting after  
 9 section 324A (42 U.S.C. 6294a) the following:

10 **“SEC. 324B. VIDEO GAME CONSOLE ENERGY EFFICIENCY**  
 11 **STUDY.**

12 “(a) INITIAL STUDY.—

13 “(1) IN GENERAL.—Not later than 1 year after  
 14 the date of enactment of this section, the Secretary  
 15 shall conduct a study of—

16 “(A) video game console energy use; and

17 “(B) opportunities for energy savings re-  
 18 garding that energy use.

19 “(2) INCLUSIONS.—The study under paragraph  
 20 (1) shall include an assessment of all power-con-  
 21 suming modes and media playback modes of video  
 22 game consoles.

23 “(b) ACTION ON COMPLETION.—On completion of  
 24 the initial study under subsection (a), the Secretary shall  
 25 determine, by regulation, using the criteria and procedures

1 described in section 325(n)(2), whether to initiate a proc-  
 2 ess for establishing minimum energy efficiency standards  
 3 for video game console energy use.

4 “(c) FOLLOW-UP STUDY.—If the Secretary deter-  
 5 mines under subsection (b) that standards should not be  
 6 established, the Secretary shall conduct a follow-up study  
 7 in accordance with subsection (a) by not later than 3 years  
 8 after the date of the determination.”.

9 (b) APPLICATION DATE.—Subsection (oo)(1) of sec-  
 10 tion 325 of the Energy Policy and Conservation Act (42  
 11 U.S.C. 6295) (as redesignated by sections 4(d)(1) and  
 12 6(d)(1)) is amended by inserting “or section 324B” after  
 13 “subsection (l), (u), or (v)” each place it appears.

14 **SEC. 12. REFRIGERATOR AND FREEZER STANDARDS.**

15 Section 325(b) of the Energy Policy and Conserva-  
 16 tion Act (42 U.S.C. 6295(b)) is amended by striking para-  
 17 graph (4) and inserting the following:

18 “(4) REFRIGERATORS, REFRIGERATOR-FREEZ-  
 19 ERS, AND FREEZERS MANUFACTURED AS OF JANU-  
 20 ARY 1, 2014.—

21 “(A) DEFINITION OF BUILT-IN PRODUCT  
 22 CLASS.—In this paragraph, the term ‘built-in  
 23 product class’ means a refrigerator, freezer, or  
 24 refrigerator with a freezer unit that—



1           “(i) is 7.75 cubic feet or greater in  
2 total volume and 24 inches or less in cabi-  
3 net depth (not including doors, handles,  
4 and custom front panels);

5           “(ii) is designed to be totally encased  
6 by cabinetry or panels attached during in-  
7 stallation;

8           “(iii) is designed to accept a custom  
9 front panel or to be equipped with an inte-  
10 gral factory-finished face;

11           “(iv) is designed to be securely fas-  
12 tened to adjacent cabinetry, walls, or  
13 floors; and

14           “(v) has 2 or more sides that are  
15 not—

16                   “(I) fully finished; and

17                   “(II) intended to be visible after  
18 installation.

19           “(B) MAXIMUM ENERGY USE.—

20           “(i) IN GENERAL.—Based on the test  
21 procedure in effect as of July 9, 2010, the  
22 maximum energy use allowed in kilowatt  
23 hours per year for each product described  
24 in the table contained in clause (ii) (other  
25 than refrigerators and refrigerator-freezers

1 with total refrigerated volume exceeding 39  
 2 cubic feet and freezers with total refrig-  
 3 erated volume exceeding 30 cubic feet) that  
 4 is manufactured on or after January 1,  
 5 2014, is specified in the table contained in  
 6 that clause.

7 “(ii) STANDARDS EQUATIONS.—The  
 8 allowed maximum energy use referred to in  
 9 clause (i) is as follows:

<b>“Standards Equations</b>	
<b>Product Description</b>	
<b>Automatic Defrost Refrigerator-Freezers</b>	
Top Freezer w/o TTD ice	7.35 AV+ 207.0
Top Freezer w/ TTD ice	7.65 AV+ 267.0
Side Freezer w/o TTD ice	3.68 AV+ 380.6
Side Freezer w/ TTD ice	7.58 AV+304.5
Bottom Freezer w/o TTD ice	3.68 AV+ 367.2
Bottom Freezer w/ TTD ice	4.0 AV+ 431.2
<b>Manual &amp; Partial Automatic Refrigerator-Freezers</b>	
Manual Defrost	7.06 AV+ 198.7
Partial Automatic	7.06 AV+198.7
<b>All Refrigerators</b>	
Manual Defrost	7.06AV+198.7
Automatic Defrost	7.35 AV+ 207.0
<b>All Freezers</b>	
Upright with manual defrost	5.66 AV+ 193.7
Upright with automatic defrost	8.70 AV+ 228.3

Chest with manual defrost	7.41 AV+ 107.8
Chest with automatic defrost	10.33 AV+ 148.1
<b>Automatic Defrost Refrigerator-Freezers-Compact Size</b>	
Top Freezer and Bottom Freezer	10.80 AV+ 301.8
Side Freezer	6.08 AV+ 400.8
<b>Manual &amp; Partial Automatic Refrigerator-Freezers-Compact Size</b>	
Manual Defrost	8.03 AV+ 224.3
Partial Automatic	5.25 AV+ 298.5
<b>All Refrigerators-Compact Size</b>	
Manual defrost	8.03 AV+ 224.3
Automatic defrost	9.53 AV+ 266.3
<b>All Freezers-Compact Size</b>	
Upright with manual defrost	8.80 AV+ 225.7
Upright with automatic defrost	10.26 AV+ 351.9
Chest	9.41AV+ 136.8
<b>Automatic Defrost Refrigerator-Freezers-Built-ins</b>	
Top Freezer w/o TTD ice	7.84 AV+ 220.8
Side Freezer w/o TTD ice	3.93 AV+ 406.0
Side Freezer w/ TTD ice	8.08 AV+ 324.8
Bottom Freezer w/o TTD ice	3.91 AV+ 390.2
Bottom Freezer w/ TTD ice	4.25 AV+ 458.2
<b>All Refrigerators-Built-ins</b>	
Automatic Defrost	7.84 AV+ 220.8
<b>All Freezers-Built-ins</b>	
Upright with automatic defrost	9.32 AV+ 244.6.

1           “(I) IN GENERAL.—Except as  
2 provided in subclause (II), after the  
3 date of publication of each test proce-  
4 dure change made pursuant to section  
5 323(b)(19), in accordance with the  
6 procedures described in section  
7 323(e)(2), the Secretary shall publish  
8 final rules to amend the standards  
9 specified in the table contained in  
10 clause (ii).

11           “(II) EXCEPTION.—The stand-  
12 ards amendment made pursuant to  
13 the test procedure change required  
14 under section 323(b)(19)(B) shall be  
15 based on the difference between—

16           “(aa) the average measured  
17 automatic ice maker energy use  
18 of a representative sample for  
19 each product class; and

20           “(bb) the value assumed by  
21 the Department of Energy for ice  
22 maker energy use in the test pro-  
23 cedure published pursuant to sec-  
24 tion 323(b)(19)(A).

1                   “(III) APPLICABILITY.—Section  
2                   323(e)(3) shall not apply to the rules  
3                   described in this clause.

4                   “(iv) FINAL RULE.—The Secretary  
5                   shall publish any final rule required by  
6                   clause (iii) by not later than the later of  
7                   the date that is 180 days after—

8                   “(I) the date of enactment of this  
9                   clause; or

10                  “(II) the date of publication of a  
11                  final rule to amend the test procedure  
12                  described in section 323(b)(19).

13                  “(v) NEW PRODUCT CLASSES.—The  
14                  Secretary may establish 1 or more new  
15                  product classes as part of the final amend-  
16                  ed standard adopted pursuant to the test  
17                  procedure change required under section  
18                  323(b)(19)(B) if the 1 or more new prod-  
19                  uct classes are needed to distinguish  
20                  among products with automatic icemakers.

21                  “(vi) EFFECTIVE DATES OF STAND-  
22                  ARDS.—

23                  “(I) STANDARDS AMENDMENT  
24                  FOR FIRST REVISED TEST PROCE-  
25                  DURE.—A standards amendment

1 adopted pursuant to a test procedure  
2 change required under section  
3 323(b)(19)(A) shall apply to any  
4 product manufactured as of January  
5 1, 2014.

6 “(II) STANDARDS AMENDMENT  
7 AFTER REVISED TEST PROCEDURE  
8 FOR ICEMAKER ENERGY.—An amend-  
9 ment adopted pursuant to a test pro-  
10 cedure change required under section  
11 323(b)(19)(B) shall apply to any  
12 product manufactured as of the date  
13 that is 3 years after the date of publi-  
14 cation of the final rule amending the  
15 standards.

16 “(vii) SLOPE AND INTERCEPT AD-  
17 JUSTMENTS.—

18 “(I) IN GENERAL.—With respect  
19 to refrigerators, freezers, and refrig-  
20 erator-freezers, the Secretary may, by  
21 rule, adjust the slope and intercept of  
22 the equations specified in the table  
23 contained in clause (ii)—

1                   “(aa) based on the energy  
2                   use of typical products of various  
3                   sizes in a product class; and

4                   “(bb) if the average energy  
5                   use for each of the classes is the  
6                   same under the new equations as  
7                   under the equations specified in  
8                   the table contained in clause (ii).

9                   “(II) DEADLINE.—If the Sec-  
10                   retary adjusts the slope and intercept  
11                   of an equation described in subclause  
12                   (I), the Secretary shall publish the  
13                   final rule containing the adjustment  
14                   by not later than July 1, 2011.

15                   “(viii) EFFECT.—A final rule pub-  
16                   lished under clause (iii) pursuant to the  
17                   test procedure change required under sec-  
18                   tion 323(b)(19)(B) or pursuant to clause  
19                   (iv) shall not be considered to be an  
20                   amendment to the standard for purposes  
21                   of section 325(m).”.

22 **SEC. 13. ROOM AIR CONDITIONER STANDARDS.**

23                   Section 325(c) of the Energy Policy and Conservation  
24                   Act (42 U.S.C. 6295(c)) is amended by adding at the end  
25                   the following:

1           “(3) MINIMUM ENERGY EFFICIENCY RATIO OF  
2           ROOM AIR CONDITIONERS MANUFACTURED ON OR  
3           AFTER JUNE 1, 2014.—

4           “(A) IN GENERAL.—Based on the test pro-  
5           cedure in effect as of July 9, 2010, the min-  
6           imum energy efficiency ratios of room air condi-  
7           tioners manufactured on or after June 1, 2014,  
8           shall not be less than that specified in the table  
9           contained in subparagraph (B).

10           “(B) MINIMUM ENERGY EFFICIENCY RA-  
11           TIOS.—The minimum energy efficiency ratios  
12           referred to in subparagraph (A) are as follows:

“Product Description	Minimum EER
<b>Without Reverse Cycle w/Louvers</b>	
<6,000 Btu/h	11.2
6,000 to 7,999 Btu/h	11.2
8,000-13,999 Btu/h	11.0
14,000 to 19,999 Btu/h	10.8
20,000-27,999 Btu/h	9.4
≥28,000 Btu/h	9.0
<b>Without Reverse Cycle w/o Louvers</b>	
<6,000 Btu/h	10.2
6,000 to 7,999 Btu/h	10.2
8,000-10,999 Btu/h	9.7
11,000-13,999 Btu/h	9.6
14,000 to 19,999 Btu/h	9.4



“Product Description	Minimum EER
≥20,000 Btu/h	9.4
<b>With Reverse Cycle</b>	
<20,000 w/Louvers Btu/h	9.9
≥ 20,000 w/Louvers Btu/h	9.4
<14,000 w/o Louvers Btu/h	9.4
≥14,000 w/o Louvers Btu/h	8.8
<b>Casement</b>	
Casement Only	9.6
Casement-Slider	10.5.

1 “(C) FINAL RULE.—

2 “(i) IN GENERAL.—The final rule to  
3 amend the room air conditioner test proce-  
4 dure adopted pursuant to section  
5 323(b)(20)(C) shall amend the standards  
6 specified in the table contained in subpara-  
7 graph (B) in accordance with the proce-  
8 dures described in section 323(e)(2).

9 “(ii) STANDBY AND OFF MODE EN-  
10 ERGY CONSUMPTION.—

11 “(I) IN GENERAL.—The Sec-  
12 retary shall integrate standby and off  
13 mode energy consumption into the  
14 amended energy efficiency ratios  
15 standards required under clause (i).

1                   “(II) REQUIREMENTS.—The  
 2 amended standards described in sub-  
 3 clause (I) shall reflect the levels of  
 4 standby and off mode energy con-  
 5 sumption that meet the criteria de-  
 6 scribed in section 325(o).

7                   “(iii) APPLICABILITY.—

8                   “(I) AMENDMENT OF STAND-  
 9 ARD.—Section 323(e)(3) shall not  
 10 apply to the amended standards de-  
 11 scribed in clause (i).

12                   “(II) AMENDED STANDARDS.—  
 13 The amended standards required by  
 14 this subparagraph shall apply to prod-  
 15 ucts manufactured on or after June 1,  
 16 2014.”.

17 **SEC. 14. UNIFORM EFFICIENCY DESCRIPTOR FOR COV-**  
 18 **ERED WATER HEATERS.**

19           Section 325(e) of the Energy Policy and Conservation  
 20 Act (42 U.S.C. 6295(e)) is amended by adding at the end  
 21 the following:

22                   “(5) UNIFORM EFFICIENCY DESCRIPTOR FOR  
 23 COVERED WATER HEATERS.—

24                   “(A) DEFINITIONS.—In this paragraph:

1                   “(i) COVERED WATER HEATER.—The  
2                   term ‘covered water heater’ means—

3                                 “(I) a water heater; and

4                                 “(II) a storage water heater, in-  
5                                 stantaneous water heater, and unfired  
6                                 water storage tank (as defined in sec-  
7                                 tion 340).

8                   “(ii) FINAL RULE.—The term ‘final  
9                   rule’ means the final rule published under  
10                   this paragraph.

11                   “(B) PUBLICATION OF FINAL RULE.—Not  
12                   later than 180 days after the date of enactment  
13                   of this paragraph, the Secretary shall publish a  
14                   final rule that establishes a uniform efficiency  
15                   descriptor and accompanying test methods for  
16                   covered water heaters.

17                   “(C) PURPOSE.—The purpose of the final  
18                   rule shall be to replace with a uniform effi-  
19                   ciency descriptor—

20                                 “(i) the energy factor descriptor for  
21                                 water heaters established under this sub-  
22                                 section; and

23                                 “(ii) the thermal efficiency and stand-  
24                                 by loss descriptors for storage water heat-  
25                                 ers, instantaneous water heaters, and

1 unfired water storage tanks established  
2 under section 342(a)(5).

3 “(D) EFFECT OF FINAL RULE.—

4 “(i) IN GENERAL.—Notwithstanding  
5 any other provision of this title, effective  
6 beginning on the effective date of the final  
7 rule, the efficiency standard for covered  
8 water heaters shall be denominated accord-  
9 ing to the efficiency descriptor established  
10 by the final rule.

11 “(ii) EFFECTIVE DATE.—The final  
12 rule shall take effect 1 year after the date  
13 of publication of the final rule under sub-  
14 paragraph (B).

15 “(E) CONVERSION FACTOR.—

16 “(i) IN GENERAL.—The Secretary  
17 shall develop a mathematical conversion  
18 factor for converting the measurement of  
19 efficiency for covered water heaters from  
20 the test procedures in effect on the date of  
21 enactment of this paragraph to the new  
22 energy descriptor established under the  
23 final rule.

24 “(ii) APPLICATION.—The conversion  
25 factor shall apply to models of covered

1 water heaters affected by the final rule and  
2 tested prior to the effective date of the  
3 final rule.

4 “(iii) EFFECT ON EFFICIENCY RE-  
5 QUIREMENTS.—The conversion factor shall  
6 not affect the minimum efficiency require-  
7 ments for covered water heaters otherwise  
8 established under this title.

9 “(iv) USE.—During the period de-  
10 scribed in clause (v), a manufacturer may  
11 apply the conversion factor established by  
12 the Secretary to rerate existing models of  
13 covered water heaters that are in existence  
14 prior to the effective date of the rule de-  
15 scribed in clause (v)(II) to comply with the  
16 new efficiency descriptor.

17 “(v) PERIOD.—Subclause (E) shall  
18 apply during the period—

19 “(I) beginning on the date of  
20 publication of the conversion factor in  
21 the Federal Register; and

22 “(II) ending on April 16, 2015.

23 “(F) EXCLUSIONS.—The final rule may  
24 exclude a specific category of covered water  
25 heaters from the uniform efficiency descriptor

1 established under this paragraph if the Sec-  
2 retary determines that the category of water  
3 heaters—

4 “(i) does not have a residential use  
5 and can be clearly described in the final  
6 rule; and

7 “(ii) are effectively rated using the  
8 thermal efficiency and standby loss  
9 descriptors applied (as of the date of en-  
10 actment of this paragraph) to the category  
11 under section 342(a)(5).

12 “(G) OPTIONS.—The descriptor set by the  
13 final rule may be—

14 “(i) a revised version of the energy  
15 factor descriptor in use as of the date of  
16 enactment of this paragraph;

17 “(ii) the thermal efficiency and stand-  
18 by loss descriptors in use as of that date;

19 “(iii) a revised version of the thermal  
20 efficiency and standby loss descriptors;

21 “(iv) a hybrid of descriptors; or

22 “(v) a new approach.

23 “(H) APPLICATION.—The efficiency  
24 descriptor and accompanying test method estab-  
25 lished under the final rule shall apply, to the

1 maximum extent practicable, to all water heat-  
2 ing technologies in use as of the date of enact-  
3 ment of this paragraph and to future water  
4 heating technologies.

5 “(I) PARTICIPATION.—The Secretary shall  
6 invite interested stakeholders to participate in  
7 the rulemaking process used to establish the  
8 final rule.

9 “(J) TESTING OF ALTERNATIVE  
10 DESCRIPTORS.—In establishing the final rule,  
11 the Secretary shall contract with the National  
12 Institute of Standards and Technology, as nec-  
13 essary, to conduct testing and simulation of al-  
14 ternative descriptors identified for consider-  
15 ation.

16 “(K) EXISTING COVERED WATER HEAT-  
17 ERS.—A covered water heater shall be consid-  
18 ered to comply with the final rule on and after  
19 the effective date of the final rule and with any  
20 revised labeling requirements established by the  
21 Federal Trade Commission to carry out the  
22 final rule if the covered water heater—

23 “(i) was manufactured prior to the ef-  
24 fective date of the final rule; and

1                   “(ii) complied with the efficiency  
2                   standards and labeling requirements in ef-  
3                   fect prior to the final rule.”.

4 **SEC. 15. CLOTHES DRYERS.**

5           Section 325(g)(4) of the Energy Policy and Con-  
6           servation Act (42 U.S.C. 6295(g)(4)) is amended by add-  
7           ing at the end the following:

8                   “(D) MINIMUM ENERGY FACTORS FOR  
9                   CLOTHES DRYERS.—

10                   “(i) IN GENERAL.—Based on the test  
11                   procedure in effect as of July 9, 2010,  
12                   clothes dryers manufactured on or after  
13                   January 1, 2015, shall comply with the  
14                   minimum energy factors specified in the  
15                   table contained in clause (ii).

16                   “(ii) NEW STANDARDS.—The min-  
17                   imum energy factors referred to in clause  
18                   (i) are as follows:

“Product Description	EF
Vented Electric Standard	3.17.
Vented Electric Compact 120V	3.29.
Vented Electric Compact 240V	3.05.
Vented Gas	2.81.
Vent-Less Electric Compact 240V	2.37.
Vent-Less Electric Combination Washer/Dryer	1.95.



1 “(iii) FINAL RULE.—

2 “(I) REQUIREMENTS.—

3 “(aa) IN GENERAL.—Except  
4 as provided in item (bb), the final  
5 rule to amend the clothes dryer  
6 test procedure adopted pursuant  
7 to section 323(b)(20)(B) shall  
8 amend the energy factors stand-  
9 ards specified in the table con-  
10 tained in clause (ii) in accordance  
11 with the procedures described in  
12 section 323(e)(2).

13 “(bb) EXCEPTION.—To es-  
14 tablish a representative sample of  
15 compliant products, the Secretary  
16 shall select a sample of minimally  
17 compliant dryers that automati-  
18 cally terminate the drying cycle  
19 at not less than 4 percent re-  
20 maining moisture content.

21 “(II) STANDBY AND OFF MODE  
22 ENERGY CONSUMPTION.—

23 “(aa) INTEGRATION.—The  
24 Secretary shall integrate standby  
25 and off mode energy consumption

1 into the amended standards re-  
2 quired under subclause (I).

3 “(bb) REQUIREMENTS.—

4 The amended standards de-  
5 scribed in item (aa) shall reflect  
6 levels of standby and off mode  
7 energy consumption that meet  
8 the criteria described in section  
9 325(o).

10 “(III) APPLICABILITY.—

11 “(aa) AMENDMENT OF  
12 STANDARD.—Section 323(e)(3)  
13 shall not apply to the amended  
14 standards described in subclause  
15 (I).

16 “(bb) AMENDED STAND-  
17 ARDS.—The amended standards  
18 required by this clause shall  
19 apply to products manufactured  
20 on or after January 1, 2015.”.

21 **SEC. 16. STANDARDS FOR CLOTHES WASHERS.**

22 Section 325(g)(9) of the Energy Policy and Con-  
23 servation Act (42 U.S.C. 6295(g)(9)) is amended by strik-  
24 ing subparagraph (B) and inserting the following:

25 “(B) AMENDMENT OF STANDARDS.—

1 “(i) PRODUCTS MANUFACTURED AS  
2 OF JANUARY 1, 2015.—

3 “(I) IN GENERAL.—Based on the  
4 test procedure in effect as of July 9,  
5 2010, clothes washers manufactured  
6 as of January 1, 2015, shall comply  
7 with the minimum modified energy  
8 factors and maximum water factors  
9 specified in the table contained in sub-  
10 clause (II).

11 “(II) STANDARDS.—The min-  
12 imum modified energy factors and  
13 maximum water factors referred to in  
14 subclause (I) are as follows:

	“MEF	WF
Top Loading—Standard	1.72	8.0
Top Loading—Compact	1.26	14.0
Front Loading—Standard	2.2	4.5
Front Loading—Compact (less than 1.6 cu. ft. capacity)	1.72	8.0.

15 “(ii) PRODUCTS MANUFACTURED ON  
16 OR AFTER JANUARY 1, 2018.—

17 “(I) IN GENERAL.—Based on the  
18 test procedure in effect as of July 9,  
19 2010, top-loading clothes washers  
20 manufactured on or after January 1,

1 2018, shall comply with the minimum  
 2 modified energy factors and maximum  
 3 water factors specified in the table  
 4 contained in subclause (II).

5 “(II) STANDARDS.—The min-  
 6 imum modified energy factors and  
 7 maximum water factors referred to in  
 8 subclause (I) are as follows:

	“MEF”	WF
Top Loading—Standard	2.0	6.0
Top Loading—Compact	1.81	11.6.

9 “(iii) FINAL RULE.—

10 “(I) IN GENERAL.—The final  
 11 rule to amend the clothes washer test  
 12 procedure adopted pursuant to section  
 13 323(b)(20)(A) shall amend the stand-  
 14 ards described in clauses (i) and (ii)  
 15 in accordance with the procedures de-  
 16 scribed in section 323(e)(2).

17 “(II) STANDBY AND OFF MODE  
 18 ENERGY CONSUMPTION.—

19 “(aa) INTEGRATION.—The  
 20 Secretary shall integrate standby  
 21 and off mode energy consumption  
 22 into the amended modified en-

1 energy factor standards required  
2 under subclause (I).

3 “(bb) REQUIREMENTS.—

4 The amended modified energy  
5 factor standards described in  
6 item (aa) shall reflect levels of  
7 standby and off mode energy  
8 consumption that meet the cri-  
9 teria described in section 325(o).

10 “(III) APPLICABILITY.—

11 “(aa) AMENDMENT OF  
12 STANDARD.—Section 323(e)(3)  
13 shall not apply to the amended  
14 standards described in subclause  
15 (I).

16 “(bb) AMENDED STANDARDS  
17 FOR PRODUCTS MANUFACTURED  
18 ON OR AFTER JANUARY 1, 2015.—  
19 Amended standards required by  
20 this clause that are based on  
21 clause (i) shall apply to products  
22 manufactured on or after Janu-  
23 ary 1, 2015.

24 “(cc) AMENDED STANDARDS  
25 FOR PRODUCTS MANUFACTURED

1 ON OR AFTER JANUARY 1, 2018.—  
2 Amended standards required by  
3 this clause that are based on  
4 clause (ii) shall apply to products  
5 manufactured on or after Janu-  
6 ary 1, 2018.”.

7 **SEC. 17. DISHWASHERS.**

8 Section 325(g)(10) of the Energy Policy and Con-  
9 servation Act (42 U.S.C. 6295(g)(10)) is amended—

10 (1) by striking subparagraph (A);

11 (2) by redesignating subparagraph (B) as sub-  
12 paragraph (D); and

13 (3) by inserting before subparagraph (D) (as  
14 redesignated by paragraph (2)) the following:

15 “(A) DISHWASHERS MANUFACTURED ON  
16 OR AFTER JANUARY 1, 2010.—A dishwasher  
17 manufactured on or after January 1, 2010,  
18 shall—

19 “(i) for a standard size dishwasher,  
20 not exceed 355 kilowatt hours per year and  
21 6.5 gallons per cycle; and

22 “(ii) for a compact size dishwasher,  
23 not exceed 260 kilowatt hours per year and  
24 4.5 gallons per cycle.

1           “(B) DISHWASHERS MANUFACTURED ON  
2 OR AFTER JANUARY 1, 2013.—A dishwasher  
3 manufactured on or after January 1, 2013,  
4 shall—

5           “(i) for a standard size dishwasher,  
6 not exceed 307 kilowatt hours per year and  
7 5.0 gallons per cycle; and

8           “(ii) for a compact size dishwasher,  
9 not exceed 222 kilowatt hours per year and  
10 3.5 gallons per cycle.

11           “(C) REQUIREMENTS OF FINAL RULES.—

12           “(i) IN GENERAL.—Any final rule to  
13 amend the dishwasher test procedure after  
14 July 9, 2010, and before January 1, 2013,  
15 shall amend the standards described in  
16 subparagraph (B) in accordance with the  
17 procedures described in section 323(e)(2).

18           “(ii) APPLICABILITY.—

19           “(I) AMENDMENT OF STAND-  
20 ARD.—Section 323(e)(3) shall not  
21 apply to the amended standards de-  
22 scribed in clause (i).

23           “(II) AMENDED STANDARDS.—

24           The amended standards required by  
25 this subparagraph shall apply to prod-

1                   ucts manufactured on or after Janu-  
2                   ary 1, 2013.”.

3 **SEC. 18. STANDARDS FOR CERTAIN INCANDESCENT RE-**  
4 **FLECTOR LAMPS AND REFLECTOR LAMPS.**

5           Section 325(i) of the Energy Policy and Conservation  
6 Act (42 U.S.C. 6295(i)) is amended by adding at the end  
7 the following:

8                   “(9) CERTAIN INCANDESCENT REFLECTOR  
9 LAMPS.—

10                   “(A) IN GENERAL.—Not later than July 1,  
11                   2011, the Secretary shall publish a final rule  
12                   establishing standards for incandescent reflector  
13                   lamp types described in paragraph (1)(D)(i).

14                   “(B) EFFECTIVE DATE.—The standards  
15                   described in subparagraph (A) shall take effect  
16                   on July 1, 2013.

17                   “(C) STANDARDS.—In conducting a rule-  
18                   making for incandescent reflector lamps under  
19                   this paragraph after the date of enactment of  
20                   this paragraph, the Secretary shall consider the  
21                   standards for all incandescent reflector lamps,  
22                   including lamp types described in paragraph  
23                   (1)(D)(i).

24                   “(10) REFLECTOR LAMPS.—



1           “(A) IN GENERAL.—Not later than Janu-  
2           ary 1, 2015, the Secretary shall publish a final  
3           rule establishing and amending standards for  
4           reflector lamps, including incandescent reflector  
5           lamps.

6           “(B) ADMINISTRATION.—In conducting  
7           the rulemaking for reflector lamps under this  
8           paragraph, the Secretary shall consider—

9                   “(i) incandescent and nonincandescent  
10                   technologies; and

11                   “(ii) a new metric, other than lumens  
12                   per watt, that is based on the photometric  
13                   distribution of those lamps.

14           “(C) EFFECTIVE DATE.—The standards  
15           described in subparagraph (A) shall take effect  
16           not earlier than the date that is 3 years after  
17           the date of publication of the final rule, as de-  
18           termined by the Secretary.”.

19 **SEC. 19. PETITION FOR AMENDED STANDARDS.**

20           Section 325(n) of the Energy Policy and Conserva-  
21           tion Act (42 U.S.C. 6295(n)) is amended—

22                   (1) by redesignating paragraph (3) as para-  
23                   graph (5); and

24                   (2) by inserting after paragraph (2) the fol-  
25                   lowing:

1           “(3) NOTICE OF DECISION.—Not later than  
2           180 days after the date of receiving a petition, the  
3           Secretary shall publish in the Federal Register a no-  
4           tice of, and explanation for, the decision of the Sec-  
5           retary to grant or deny the petition.

6           “(4) NEW OR AMENDED STANDARDS.—Not  
7           later than 3 years after the date of granting a peti-  
8           tion for new or amended standards, the Secretary  
9           shall publish in the Federal Register—

10                   “(A) a final rule that contains the new or  
11                   amended standards; or

12                   “(B) a determination that no new or  
13                   amended standards are necessary.”.

14   **SEC. 20. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL**  
15                   **POWER SUPPLIES.**

16           Section 325(u)(3) of the Energy Policy and Con-  
17           servation Act (42 U.S.C. 6295(u)(3)) is amended—

18                   (1) in subparagraph (A), by striking “(D)” and  
19                   inserting “(E)”; and

20                   (2) by adding at the end the following:

21                           “(E) NONAPPLICATION OF NO-LOAD MODE  
22                           ENERGY EFFICIENCY STANDARDS TO EXTERNAL  
23                           POWER SUPPLIES FOR CERTAIN SECURITY OR  
24                           LIFE SAFETY ALARMS OR SURVEILLANCE SYS-  
25                           TEMS.—

1                   “(i) DEFINITION OF SECURITY OR  
2                   LIFE SAFETY ALARM OR SURVEILLANCE  
3                   SYSTEM.—In this subparagraph:

4                   “(I) IN GENERAL.—The term ‘se-  
5                   curity or life safety alarm or surveil-  
6                   lance system’ means equipment de-  
7                   signed and marketed to perform any  
8                   of the following functions (on a con-  
9                   tinuous basis):

10                   “(aa) Monitor, detect,  
11                   record, or provide notification of  
12                   intrusion or access to real prop-  
13                   erty or physical assets or notifi-  
14                   cation of threats to life safety.

15                   “(bb) Deter or control ac-  
16                   cess to real property or physical  
17                   assets, or prevent the unauthor-  
18                   ized removal of physical assets.

19                   “(cc) Monitor, detect,  
20                   record, or provide notification of  
21                   fire, gas, smoke, flooding, or  
22                   other physical threats to real  
23                   property, physical assets, or life  
24                   safety.

1           “(II) EXCLUSION.—The term ‘se-  
2           curity or life safety alarm or surveil-  
3           lance system’ does not include any  
4           product with a principal function  
5           other than life safety, security, or sur-  
6           veillance that—

7                   “(aa) is designed and mar-  
8                   keted with a built-in alarm or  
9                   theft-deterrent feature; or

10                   “(bb) does not operate nec-  
11                   essarily and continuously in ac-  
12                   tive mode.

13           “(ii) NONAPPLICATION OF NO-LOAD  
14           MODE REQUIREMENTS.—The No-Load  
15           Mode energy efficiency standards estab-  
16           lished by this paragraph shall not apply to  
17           an external power supply manufactured be-  
18           fore July 1, 2017, that—

19                   “(I) is an AC-to-AC external  
20                   power supply;

21                   “(II) has a nameplate output of  
22                   20 watts or more;

23                   “(III) is certified to the Sec-  
24                   retary as being designed to be con-  
25                   nected to a security or life safety

1 alarm or surveillance system compo-  
2 nent; and

3 “(IV) on establishment within  
4 the External Power Supply Inter-  
5 national Efficiency Marking Protocol,  
6 as referenced in the ‘Energy Star Pro-  
7 gram Requirements for Single Voltage  
8 External AC–DC and AC–AC Power  
9 Supplies’, published by the Environ-  
10 mental Protection Agency, of a distin-  
11 guishing mark for products described  
12 in this clause, is permanently marked  
13 with the distinguishing mark.

14 “(iii) ADMINISTRATION.—In carrying  
15 out this subparagraph, the Secretary  
16 shall—

17 “(I) require, with appropriate  
18 safeguard for the protection of con-  
19 fidential business information, the  
20 submission of unit shipment data on  
21 an annual basis; and

22 “(II) restrict the eligibility of ex-  
23 ternal power supplies for the exemp-  
24 tion provided under this subparagraph  
25 on a finding that a substantial num-

1                   ber of the external power supplies are  
2                   being marketed to or installed in ap-  
3                   plications other than security or life  
4                   safety alarm or surveillance systems.”.

5 **SEC. 21. PROHIBITED ACTS.**

6           Section 332(a) of the Energy Policy and Conserva-  
7 tion Act (42 U.S.C. 6302(a)) is amended—

8                   (1) in paragraph (1), by striking “for any man-  
9                   ufacturer or private labeler to distribute” and insert-  
10                  ing “for any manufacturer (or representative of a  
11                  manufacturer), distributor, retailer, or private label-  
12                  er to offer for sale or distribute”;

13                  (2) by striking paragraph (5) and inserting the  
14                  following:

15                   “(5) for any manufacturer (or representative of  
16                   a manufacturer), distributor, retailer, or private la-  
17                   beler—

18                           “(A) to offer for sale or distribute in com-  
19                           merce any new covered product that is not in  
20                           conformity with an applicable energy conserva-  
21                           tion standard established in or prescribed under  
22                           this part; or

23                           “(B) if the standard is a regional standard  
24                           that is more stringent than the base national  
25                           standard, to offer for sale or distribute in com-

1           merce any new covered product having knowl-  
2           edge (consistent with the definition of ‘know-  
3           ingly’ in section 333(b)) that the product will  
4           be installed at a location covered by a regional  
5           standard established in or prescribed under this  
6           part and will not be in conformity with the  
7           standard;”;

8           (3) in paragraph (6) (as added by section  
9           306(b)(2) of Public Law 110–140 (121 Stat.  
10          1559)), by striking the period at the end and insert-  
11          ing a semicolon;

12          (4) by redesignating paragraph (6) (as added  
13          by section 321(e)(3) of Public Law 110–140 (121  
14          Stat. 1586)) as paragraph (7);

15          (5) in paragraph (7) (as so redesignated)—

16                (A) by striking “for any manufacturer, dis-  
17                tributor, retailer, or private labeler to dis-  
18                tribute” and inserting “for any manufacturer  
19                (or representative of a manufacturer), dis-  
20                tributor, retailer, or private labeler to offer for  
21                sale or distribute”; and

22                (B) by striking the period at the end and  
23                inserting a semicolon; and

24          (6) by inserting after paragraph (7) (as so re-  
25          designated) the following:

1           “(8) for any manufacturer or private labeler to  
2           distribute in commerce any new covered product that  
3           has not been properly certified in accordance with  
4           the requirements established in or prescribed under  
5           this part;

6           “(9) for any manufacturer or private labeler to  
7           distribute in commerce any new covered product that  
8           has not been properly tested in accordance with the  
9           requirements established in or prescribed under this  
10          part; and

11          “(10) for any manufacturer or private labeler to  
12          violate any regulation lawfully promulgated to imple-  
13          ment any provision of this part.”.

14 **SEC. 22. OUTDOOR LIGHTING.**

15          (a) DEFINITIONS.—

16                  (1) COVERED EQUIPMENT.—Section 340(1) of  
17                  the Energy Policy and Conservation Act (42 U.S.C.  
18                  6311(1)) is amended—

19                          (A) by redesignating subparagraph (L) as  
20                          subparagraph (O); and

21                          (B) by inserting after subparagraph (K)  
22                          the following:

23                                  “(L) Pole-mounted outdoor luminaires.

24                                  “(M) High light output double-ended  
25                                  quartz halogen lamps.



1           “(N) General purpose mercury vapor  
2           lamps.”.

3           (2)     INDUSTRIAL       EQUIPMENT.—Section  
4           340(2)(B) of the Energy Policy and Conservation  
5           Act (42 U.S.C. 6311(2)(B)) is amended—

6           (A) by striking “and” before “unfired hot  
7           water”; and

8           (B) by inserting after “tanks” the fol-  
9           lowing: “, pole-mounted outdoor luminaires,  
10          high light output double-ended quartz halogen  
11          lamps, and general purpose mercury vapor  
12          lamps”.

13          (3)     NEW DEFINITIONS.—Section 340 of the  
14          Energy Policy and Conservation Act (42 U.S.C.  
15          6311) is amended—

16          (A) by redesignating paragraphs (22) and  
17          (23) (as amended by sections 312(a)(2) and  
18          314(a) of the Energy Independence and Secu-  
19          rity Act of 2007 (121 Stat. 1564, 1569)) as  
20          paragraphs (23) and (24), respectively; and

21          (B) by adding at the end the following:

22          “(25) AREA LUMINAIRE.—The term ‘area lumi-  
23          naire’ means a luminaire intended for lighting park-  
24          ing lots and general areas that—

1           “(A) is designed to mount on a pole using  
2 an arm, pendant, or vertical tenon;

3           “(B) has an opaque top or sides, but may  
4 contain a transmissive ornamental element;

5           “(C) has an optical aperture that is open  
6 or enclosed with a flat, sag, or drop lens;

7           “(D) is mounted in a fixed position with  
8 the optical aperture near horizontal, or tilted  
9 up; and

10           “(E) has photometric output measured  
11 using Type C photometry per IESNA LM-75-  
12 01.

13           “(26) DECORATIVE POSTTOP LUMINAIRE.—The  
14 term ‘decorative posttop luminaire’ means a lumi-  
15 naire with—

16           “(A) open or transmissive sides that is de-  
17 signed to be mounted directly over a pole using  
18 a vertical tenon or by fitting the luminaire di-  
19 rectly into the pole; and

20           “(B) photometric output measured using  
21 Type C photometry per IESNA LM-75-01.

22           “(27) DUSK-TO-DAWN LUMINAIRE.—The term  
23 ‘dusk-to-dawn luminaire’ means a fluorescent, induc-  
24 tion, or high intensity discharge luminaire that—

1           “(A) is designed to be mounted on a hori-  
2 zontal or horizontally slanted tenon or arm;

3           “(B) has an optical assembly that is co-  
4 axial with the axis of symmetry of the light  
5 source;

6           “(C) has an optical assembly that is—

7               “(i) a reflector or lamp enclosure that  
8 surrounds the light source with an open  
9 lower aperture; or

10               “(ii) a refractive optical assembly sur-  
11 rounding the light source with an open or  
12 closed lower aperture;

13           “(D) contains a receptacle for a  
14 photocontrol that enables the operation of the  
15 light source and is either coaxial with both the  
16 axis of symmetry of the light source and the op-  
17 tical assembly or offset toward the mounting  
18 bracket by less than 3 inches, or contains an in-  
19 tegral photocontrol; and

20           “(E) has photometric output measured  
21 using Type C photometry per IESNA LM-75-  
22 01.

23           “(28) FLOODLIGHT LUMINAIRE.—The term  
24 ‘floodlight luminaire’ means an outdoor luminaire  
25 designed with a yoke, knuckle, or other mechanism

1 allowing the luminaire to be aimed 40 degrees or  
2 more with its photometric distributions established  
3 with only Type B photometry in accordance with  
4 IESNA LM-75, revised 2001.

5 “(29) GENERAL PURPOSE MERCURY VAPOR  
6 LAMP.—The term ‘general purpose mercury vapor  
7 lamp’ means a mercury vapor lamp (as defined in  
8 section 321) that—

9 “(A) has a screw base;

10 “(B) is designed for use in general lighting  
11 applications (as defined in section 321);

12 “(C) is not a specialty application mercury  
13 vapor lamp; and

14 “(D) is designed to operate on a mercury  
15 vapor lamp ballast (as defined in section 321)  
16 or is a self- ballasted lamp.

17 “(30) HIGH LIGHT OUTPUT DOUBLE-ENDED  
18 QUARTZ HALOGEN LAMP.—The term ‘high light out-  
19 put double-ended quartz halogen lamp’ means a  
20 lamp that—

21 “(A) is designed for general outdoor light-  
22 ing purposes;

23 “(B) contains a tungsten filament;

1           “(C) has a rated initial lumen value of  
2           greater than 6,000 and less than 40,000  
3           lumens;

4           “(D) has at each end a recessed single  
5           contact, R7s base;

6           “(E) has a maximum overall length (MOL)  
7           between 4 and 11 inches;

8           “(F) has a nominal diameter less than  $\frac{3}{4}$   
9           inch (T6);

10           “(G) is designed to be operated at a volt-  
11           age not less than 110 volts and not greater  
12           than 200 volts or is designed to be operated at  
13           a voltage between 235 volts and 300 volts;

14           “(H) is not a tubular quartz infrared heat  
15           lamp; and

16           “(I) is not a lamp marked and marketed  
17           as a Stage and Studio lamp with a rated life of  
18           500 hours or less.

19           “(31) MEAN RATED LAMP LUMENS.—The term  
20           ‘mean rated lamp lumens’ means the rated lumens  
21           at—

22           “(A) 40 percent of rated lamp life for  
23           metal halide, induction, and fluorescent lamps;  
24           or

1           “(B) 50 percent of rated lamp life for high  
2           pressure sodium lamps.

3           “(32) OUTDOOR LUMINAIRE.—The term ‘out-  
4           door luminaire’ means a luminaire that—

5           “(A) is intended for outdoor use and suit-  
6           able for wet locations; and

7           “(B) may be shipped with or without a  
8           lamp.

9           “(33) POLE-MOUNTED OUTDOOR LUMINAIRE.—

10           “(A) IN GENERAL.—The term ‘pole-mount-  
11           ed outdoor luminaire’ means an outdoor lumi-  
12           naire that is designed to be mounted on an out-  
13           door pole and is—

14           “(i) an area luminaire;

15           “(ii) a roadway and highmast lumi-  
16           naire;

17           “(iii) a decorative posttop luminaire;

18           or

19           “(iv) a dusk-to-dawn luminaire.

20           “(B) EXCLUSIONS.—The term ‘pole-  
21           mounted outdoor luminaire’ does not include—

22           “(i) a portable luminaire designed for  
23           use at construction sites;

24           “(ii) a luminaire designed to be used  
25           in emergency conditions that—

1                   “(I) incorporates a means of  
2 storing energy and a device to switch  
3 the stored energy supply to emergency  
4 lighting loads automatically on failure  
5 of the normal power supply; and

6                   “(II) is listed and labeled as  
7 Emergency Lighting Equipment;

8                   “(iii) a decorative gas lighting system;

9                   “(iv) a luminaire designed explicitly  
10 for lighting for theatrical purposes, includ-  
11 ing performance, stage, film production,  
12 and video production;

13                   “(v) a luminaire designed as theme  
14 elements in theme or amusement parks  
15 and that cannot be used in most general  
16 lighting applications;

17                   “(vi) a luminaire designed explicitly  
18 for hazardous locations meeting the re-  
19 quirements of Underwriters Laboratories  
20 Standard 844–2006, ‘Luminaires for Use  
21 in Hazardous (Classified) Locations’;

22                   “(vii) a residential pole-mounted lumi-  
23 naire that is not rated for commercial use  
24 utilizing 1 or more lamps meeting the en-  
25 ergy conservation standards established

1 under section 325(i) and mounted on a  
2 post or pole not taller than 10.5 feet above  
3 ground and not rated for a power draw of  
4 more than 145 watts;

5 “(viii) a floodlight luminaire;

6 “(ix) an outdoor luminaire designed  
7 for sports and recreational area use in ac-  
8 cordance with IESNA RP-6 and utilizing  
9 an 875 watt or greater metal halide lamp;

10 “(x) a decorative posttop luminaire  
11 designed for using high intensity discharge  
12 lamps with total lamp wattage of 150 or  
13 less, or designed for using other lamp  
14 types with total lamp wattage of 50 watts  
15 or less;

16 “(xi) an area luminaire, roadway and  
17 highmast luminaire, or dusk-to-dawn lumi-  
18 naire designed for using high intensity dis-  
19 charge lamps or pin-based compact fluores-  
20 cent lamps with total lamp wattage of 100  
21 or less, or other lamp types with total lamp  
22 wattage of 50 watts or less; and

23 “(xii) an area luminaire, roadway and  
24 highmast luminaire, or dusk-to-dawn lumi-  
25 naire with a backlight rating less than 2



1                   and with the maximum of the uplight or  
2                   glare rating 3 or less.

3                   “(34) ROADWAY AND HIGHMAST LUMINAIRE.—

4                   The term ‘roadway and highmast luminaire’ means  
5                   a luminaire intended for lighting streets and road-  
6                   ways that—

7                   “(A) is designed to mount on a pole by  
8                   clamping onto the exterior of a horizontal or  
9                   horizontally slanted, circular cross-section pipe  
10                  tenon;

11                  “(B) has opaque tops or sides;

12                  “(C) has an optical aperture that is open  
13                  or enclosed with a flat, sag or drop lens;

14                  “(D) is mounted in a fixed position with  
15                  the optical aperture near horizontal, or tilted  
16                  up; and

17                  “(E) has photometric output measured  
18                  using Type C photometry per IESNA LM-75-  
19                  01.

20                  “(35) SPECIALTY APPLICATION MERCURY

21                  VAPOR LAMP.—The term ‘specialty application mer-  
22                  cury vapor lamp’ means a mercury vapor lamp (as  
23                  defined in section 321) that is—

1           “(A) designed only to operate on a spe-  
2           cialty application mercury vapor lamp ballast  
3           (as defined in section 321); and

4           “(B) is marked and marketed for specialty  
5           applications only.

6           “(36) TARGET EFFICACY RATING.—The term  
7           ‘target efficacy rating’ means a measure of luminous  
8           efficacy of a luminaire (as defined in NEMA LE-6-  
9           2009).

10          “(37) TUBULAR QUARTZ INFRARED HEAT  
11          LAMP.—The term ‘tubular quartz infrared heat  
12          lamp’ means a double-ended quartz halogen lamp  
13          that—

14                 “(A) is marked and marketed as an infra-  
15                 red heat lamp; and

16                 “(B) radiates predominately in the infra-  
17                 red radiation range and in which the visible ra-  
18                 diation is not of principle interest.”.

19          (b) STANDARDS.—Section 342 of the Energy Policy  
20          and Conservation Act (42 U.S.C. 6313) is amended by  
21          adding at the end the following:

22                 “(g) POLE-MOUNTED OUTDOOR LUMINAIRES.—

23                         “(1) TARGET EFFICACY RATING, LUMEN MAIN-  
24                         TENANCE AND POWER FACTOR REQUIREMENTS.—

1                   “(A) DEFINITION OF MAXIMUM OF  
 2 UPLIGHT OR GLARE RATING.—In this para-  
 3 graph, the term ‘maximum of upright or glare  
 4 rating’ means, for any specific outdoor lumi-  
 5 naire, the higher of the upright rating or glare  
 6 rating of the luminaire.

7                   “(B) REQUIREMENTS.—Each pole-mount-  
 8 ed outdoor luminaire manufactured on or after  
 9 the date that is 3 years after the date of enact-  
 10 ment of this subsection shall—

11                   “(i) meet or exceed the target efficacy  
 12 ratings in the following table when tested  
 13 at full system input watts:

“Area, Roadway or Highmast luminaires

Backlight Rating	Maximum of Uplight or Glare rating		
	0 or 1	2 or 3	4 or 5
0 or 1	38	38	38
2 or 3	38	38	42
4 or 5	38	42	43

“Decorative Posttop or Dusk-to-Dawn luminaires

Backlight Rating	Maximum of Uplight or Glare rating		
	0 or 1	2 or 3	4 or 5
0 or 1	25	25	25
2 or 3	25	25	28
4 or 5	25	28	28;

14                   “(ii) use lamps that have a minimum  
 15 of 0.6 lumen maintenance, as determined  
 16 in accordance with IESNA LM-80 for

1 Solid State Lighting sources or calculated  
2 as mean rated lamp lumens divided by ini-  
3 tial rated lamp lumens for other light  
4 sources; and

5 “(iii) have a power factor equal to or  
6 greater than 0.9 at ballast full power, ex-  
7 cept in the case of pole-mounted outdoor  
8 luminaires designed for using high inten-  
9 sity discharge lamps with a total rated  
10 lamp wattage of 150 watts or less, which  
11 shall have no power factor requirement.

12 “(2) CONTROL REQUIREMENTS.—

13 “(A) IN GENERAL.—Except as provided in  
14 subparagraph (B), each area luminaire manu-  
15 factured on or after the date that is 3 years  
16 after the date of enactment of this subsection  
17 shall be sold—

18 “(i) with integral controls that shall  
19 have the capability of operating the lumi-  
20 naire at full power and a minimum of 1 re-  
21 duced power level plus off, in which case  
22 the power reduction shall be at least 30  
23 percent of the rated lamp power; or

24 “(ii) with internal electronics and con-  
25 nective wiring or hardware (including wire

1 leads, pigtails, inserts for wires, pin bases,  
2 or the equivalent) that—

3 “(I) collectively enable the area  
4 luminaire, if properly connected to an  
5 appropriate control system, to operate  
6 at full power and a minimum of 1 re-  
7 duced power level plus off, in which  
8 case the reduced power level shall be  
9 at least 30 percent lower than the  
10 rated lamp power in response to sig-  
11 nals sent by controls not integral to  
12 the luminaire as sold, that may be  
13 connected in the field; and

14 “(II) have connections from the  
15 components that are easily accessible  
16 in the luminaire housing and have in-  
17 structions applicable to appropriate  
18 control system connections that are  
19 included with the luminaire.

20 “(B) NONAPPLICATION.—The control re-  
21 quirements of this paragraph shall not apply  
22 to—

23 “(i) pole-mounted outdoor luminaires  
24 utilizing probe-start metal halide lamps  
25 with rated lamp power greater than 500

1 watts operating in non-base-up positions;  
2 or

3 “(ii) pole-mounted outdoor luminaires  
4 utilizing induction lamps.

5 “(C) INTEGRAL PHOTSENSORS.—Each  
6 pole-mounted outdoor luminaire sold with an in-  
7 tegral photosensor shall use an electronic-type  
8 photocell.

9 “(3) RULEMAKING COMMENCING NOT LATER  
10 THAN 60 DAYS AFTER THE DATE OF ENACTMENT.—

11 “(A) IN GENERAL.—Not later than 60  
12 days after the date of enactment of this sub-  
13 section, the Secretary shall initiate a rule-  
14 making procedure to determine whether the  
15 standards in effect for pole-mounted outdoor  
16 luminaires should be amended.

17 “(B) FINAL RULE.—

18 “(i) PUBLICATION.—The Secretary  
19 shall publish a final rule containing the  
20 amendments, if any, not later than Janu-  
21 ary 1, 2013, or the date that is 33 months  
22 after the date of enactment of this sub-  
23 section, whichever is later.

24 “(ii) APPLICATION.—Any amend-  
25 ments shall apply to products manufac-

1 tured on or after January 1, 2016, or the  
2 date that is 3 years after the final rule is  
3 published in the Federal Register, which-  
4 ever is later.

5 “(C) REVIEW.—

6 “(i) IN GENERAL.—As part of the  
7 rulemaking required under this paragraph,  
8 the Secretary shall review and may amend  
9 the definitions, exclusions, test procedures,  
10 power factor standards, lumen mainte-  
11 nance requirements, labeling requirements,  
12 and additional control requirements, in-  
13 cluding dimming functionality, for all pole-  
14 mounted outdoor luminaires.

15 “(ii) FACTORS.—The review of the  
16 Secretary shall include consideration of—

17 “(I) obstacles to compliance and  
18 whether compliance is evaded by sub-  
19 stitution of nonregulated luminaires  
20 for regulated luminaires or allowing  
21 luminaires to comply with the stand-  
22 ards established under this part based  
23 on use of non-standard lamps, as pro-  
24 vided for in section  
25 343(a)(10)(D)(i)(II);

1           “(II) statistical data relating to  
2 pole-mounted outdoor luminaires  
3 that—

4           “(aa) the Secretary shall re-  
5 quest not later than 120 days  
6 after the date of enactment of  
7 this subsection from all identifi-  
8 able manufacturers of pole-  
9 mounted outdoor luminaires, di-  
10 rectly from manufacturers of  
11 pole-mounted outdoor luminaires  
12 or, in the case of members of the  
13 National Electrical Manufactur-  
14 ers Association, from the Na-  
15 tional Electrical Manufacturers  
16 Association;

17           “(bb) is considered nec-  
18 essary for the rulemaking; and

19           “(cc) shall be made publicly  
20 available in a manner that does  
21 not reveal manufacturer identity  
22 or confidential business informa-  
23 tion, in a timely manner for dis-  
24 cussion at any public proceeding  
25 at which comment is solicited



1 from the public in connection  
2 with the rulemaking, except that  
3 nothing in this subclause restricts  
4 the Secretary from seeking addi-  
5 tional information during the  
6 course of the rulemaking; and

7 “(III) phased-in effective dates  
8 for different types of pole-mounted  
9 outdoor luminaires that are submitted  
10 to the Secretary in the manner pro-  
11 vided for in section 325(p)(4), except  
12 that the phased-in effective dates shall  
13 not be subject to subparagraphs (A)  
14 and (B) of this paragraph.

15 “(4) RULEMAKING BEFORE FEBRUARY 1,  
16 2015.—

17 “(A) IN GENERAL.—Not later than Feb-  
18 ruary 1, 2015, the Secretary shall initiate a  
19 rulemaking procedure to determine whether the  
20 standards in effect for pole-mounted outdoor  
21 luminaires should be amended.

22 “(B) FINAL RULE.—

23 “(i) PUBLICATION.—The Secretary  
24 shall publish a final rule containing the

1 amendments, if any, not later than Janu-  
2 ary 1, 2018.

3 “(ii) APPLICATION.—Any amend-  
4 ments shall apply to products manufac-  
5 tured on or after January 1, 2021.

6 “(C) REVIEW.—

7 “(i) IN GENERAL.—As part of the  
8 rulemaking required under this paragraph,  
9 the Secretary shall review and may amend  
10 the definitions, exclusions, test procedures,  
11 power factor standards, lumen mainte-  
12 nance requirements, labeling requirements,  
13 and additional control requirements, in-  
14 cluding dimming functionality, for all pole-  
15 mounted outdoor luminaires.

16 “(ii) FACTORS.—The review of the  
17 Secretary shall include consideration of—

18 “(I) obstacles to compliance and  
19 whether compliance is evaded by sub-  
20 stitution of nonregulated luminaires  
21 for regulated luminaires or allowing  
22 luminaires to comply with the stand-  
23 ards established under this part based  
24 on use of nonstandard lamps, as pro-

1 vided for in section  
2 343(a)(10)(D)(i)(II);

3 “(II) statistical data relating to  
4 pole-mounted outdoor luminaires  
5 that—

6 “(aa) the Secretary con-  
7 siders necessary for the rule-  
8 making and requests not later  
9 than June 1, 2015, from all iden-  
10 tifiable manufacturers of pole-  
11 mounted outdoor luminaires, di-  
12 rectly from manufacturers of  
13 pole-mounted outdoor luminaires  
14 and, in the case of members of  
15 the National Electrical Manufac-  
16 turers Association, from the Na-  
17 tional Electrical Manufacturers  
18 Association; and

19 “(bb) shall be made publicly  
20 available in a manner that does  
21 not reveal manufacturer identity  
22 or confidential business informa-  
23 tion, in a timely manner for dis-  
24 cussion at any public proceeding  
25 at which comment is solicited

1 from the public in connection  
2 with the rulemaking, except that  
3 nothing in this subclause restricts  
4 the Secretary from seeking addi-  
5 tional information during the  
6 course of the rulemaking; and

7 “(III) phased-in effective dates  
8 for different types of pole-mounted  
9 outdoor luminaires that are submitted  
10 to the Secretary in the manner pro-  
11 vided for in section 325(p)(4), except  
12 that the phased-in effective dates shall  
13 not be subject to subparagraphs (A)  
14 and (B) of this paragraph.

15 “(h) HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ  
16 HALOGEN LAMPS.—A high light output double-ended  
17 quartz halogen lamp manufactured on or after January  
18 1, 2016, shall have a minimum efficiency of—

19 “(1) 27 LPW for lamps with a minimum rated  
20 initial lumen value greater than 6,000 and a max-  
21 imum initial lumen value of 15,000; and

22 “(2) 34 LPW for lamps with a rated initial  
23 lumen value greater than 15,000 and less than  
24 40,000.

1       “(i) GENERAL PURPOSE MERCURY VAPOR LAMPS.—  
 2 A general purpose mercury vapor lamp shall not be manu-  
 3 factured on or after January 1, 2016.”.

4       (c) TEST METHODS.—Section 343(a) of the Energy  
 5 Policy and Conservation Act (42 U.S.C. 6314(a)) is  
 6 amended by adding at the end the following:

7               “(10)           POLE-MOUNTED           OUTDOOR  
 8 LUMINAIRES.—

9                       “(A) IN GENERAL.—With respect to pole-  
 10 mounted outdoor luminaires to which standards  
 11 are applicable under section 342, the test meth-  
 12 ods shall be those described in this paragraph.

13                      “(B) PHOTOMETRIC TEST METHODS.—For  
 14 photometric test methods, the methods shall be  
 15 those specified in—

16                           “(i)    IES    LM-10-96—Approved  
 17 Method for Photometric Testing of Out-  
 18 door Fluorescent Luminaires;

19                           “(ii) IES  LM-31-95—Photometric  
 20 Testing of Roadway Luminaires Using In-  
 21 candescent Filament and High Intensity  
 22 Discharge Lamps;

23                           “(iii) IES LM-79-08—Electrical and  
 24 Photometric Measurements of Solid-State  
 25 Lighting Products;

1                   “(iv) IES LM-80-08—Measuring  
2 Lumen Maintenance of LED Light  
3 Sources;

4                   “(v) IES LM-40-01—Life testing of  
5 Fluorescent Lamps;

6                   “(vi) IES LM-47-01—Life testing of  
7 High Intensity Discharge (HID) Lamps;

8                   “(vii) IES LM-49-01—Life testing of  
9 Incandescent Filament Lamps;

10                  “(viii) IES LM-60-01—Life testing  
11 of Low Pressure Sodium Lamps; and

12                  “(ix) IES LM-65-01—Life testing of  
13 Compact Fluorescent Lamps.

14                  “(C) OUTDOOR BACKLIGHT, UPLIGHT, AND  
15 GLARE RATINGS.—For determining outdoor  
16 backlight, uplight, and glare ratings, the classi-  
17 fications shall be those specified in IES TM-  
18 15-07—Luminaire Classification System for  
19 Outdoor Luminaires with Addendum A.

20                  “(D) TARGET EFFICACY RATING.—For de-  
21 termining the target efficacy rating, the proce-  
22 dures shall be those specified in NEMA LE-6-  
23 2009—‘Procedure for Determining Target Effi-  
24 cacy Ratings (TER) for Commercial, Industrial

1 and Residential Luminaires,’ and all of the fol-  
2 lowing additional criteria (as applicable):

3 “(i) The target efficacy rating shall be  
4 calculated based on the initial rated lamp  
5 lumen and rated watt value equivalent to  
6 the lamp with which the luminaire is  
7 shipped, or, if not shipped with a lamp, the  
8 target efficacy rating shall be calculated  
9 based on—

10 “(I) the applicable standard lamp  
11 as established by subparagraph (E);  
12 or

13 “(II) a lamp that has a rated  
14 wattage and rated initial lamp lumens  
15 that are the same as the maximum  
16 lamp watts and minimum lamp  
17 lumens labeled on the luminaire, in  
18 accordance with section 344(f).

19 “(ii) If the luminaire is designed to  
20 operate at more than 1 nominal input volt-  
21 age, the ballast input watts used in the  
22 target efficacy rating calculation shall be  
23 the highest value for any nominal input  
24 voltage for which the ballast is designed to  
25 operate.

1           “(iii) If the luminaire is a pole-mount-  
2 ed outdoor luminaire that contains a bal-  
3 last that is labeled to operate lamps of  
4 more than 1 wattage, the luminaire shall—

5                   “(I) meet or exceed the target ef-  
6 ficacy rating in the table in section  
7 342(g)(1)(B) calculated in accordance  
8 with clause (i) for all lamp wattages  
9 that the ballast is labeled to operate;

10                   “(II) be constructed such that  
11 the luminaire is only capable of ac-  
12 cepting lamp wattages that produce  
13 target efficacy ratings that meet or  
14 exceed the values in the table in sec-  
15 tion 342(g)(1)(B) calculated in ac-  
16 cordance with clause (i); or

17                   “(III) be rated and prominently  
18 labeled for a maximum lamp wattage  
19 that results in the luminaire meeting  
20 or exceeding the target efficacy rating  
21 in the table in section 342(g)(1)(B)  
22 when calculated and labeled in accord-  
23 ance with clause (i).

24           “(iv) If the luminaire is a pole-mount-  
25 ed outdoor luminaire that is constructed



1 such that the luminaire will only accept an  
2 ANSI Type–O lamp, the luminaire shall  
3 meet or exceed the target efficacy rating in  
4 the table in section 342(g)(1)(B) when  
5 tested with an ANSI Type–O lamp.

6 “(v) If the luminaire is a pole-mount-  
7 ed outdoor luminaire that is marketed to  
8 use a coated lamp, the luminaire shall  
9 meet or exceed the target efficacy rating in  
10 the table in section 342(g)(1)(B) when  
11 tested with a coated lamp.

12 “(vi) If the luminaire is a solid state  
13 lighting pole-mounted outdoor luminaire,  
14 the luminaire shall have its target efficacy  
15 rating calculated based on the combination  
16 of absolute luminaire lumen values and  
17 input wattages that results in the lowest  
18 possible target efficacy rating for any light  
19 source, including ranges of correlated color  
20 temperature and color rendering index val-  
21 ues, for which the luminaire is marketed  
22 by the luminaire manufacturer.

23 “(vii) If the luminaire is a high inten-  
24 sity discharge pole-mounted outdoor lumi-  
25 naire using a ballast that has a ballast fac-

1 tor different than 1, the target efficacy  
2 rating of the luminaire shall be calculated  
3 by using the input watts needed to operate  
4 the lamp at full rated power, or by using  
5 the actual ballast factor of the ballast.

6 “(E) TABLE OF STANDARD LAMP TYPES.—

7 “(i) IN GENERAL.—The National  
8 Electrical Manufacturers Association shall  
9 develop and publish not later than 1 year  
10 after the date of enactment of this para-  
11 graph and thereafter maintain and regu-  
12 larly update on a publicly available website  
13 a table including standard lamp types by  
14 wattage, ANSI code, initial lamp lumen  
15 value, lamp orientation, and lamp finish.

16 “(ii) INITIAL LAMP LUMEN VALUES.—

17 The initial lamp lumen values shall—

18 “(I) be determined according to a  
19 uniform rating method and tested ac-  
20 cording to accepted industry practice  
21 for each lamp that is considered for  
22 inclusion in the table; and

23 “(II) in each case contained in  
24 the table, be the lowest known initial  
25 lamp lumen value that approximates

1 typical performance in representative  
2 general outdoor lighting applications.

3 “(iii) ACTIONS.—On completion of the  
4 table required by this subparagraph and  
5 any updates to the table—

6 “(I) the National Electrical Man-  
7 ufacturers Association shall submit  
8 the table and any updates to the Sec-  
9 retary; and

10 “(II) the Secretary shall—

11 “(aa) publish the table and  
12 any comments that are included  
13 with the table in the Federal  
14 Register;

15 “(bb) solicit public comment  
16 on the table; and

17 “(cc) not later than 180  
18 days after date of receipt of the  
19 table, after considering the fac-  
20 tors described in clause (iv),  
21 adopt the table for purposes of  
22 this part.

23 “(iv) REBUTTABLE PRESUMPTION.—

24 “(I) IN GENERAL.—There shall  
25 be a rebuttable presumption that the

1 table and any updates to the table  
2 transmitted by the National Electrical  
3 Manufacturers Association to the Sec-  
4 retary meets the requirements of this  
5 subparagraph, which may be rebutted  
6 only if the Secretary finds by clear  
7 and substantial evidence that—

8 “(aa) data have been in-  
9 cluded that were not the result of  
10 having applied applicable indus-  
11 try standards; or

12 “(bb) lamps have been in-  
13 cluded in the table that are not  
14 representative of general outdoor  
15 lighting applications.

16 “(II) CONFORMING CHANGES.—

17 If subclause (I) applies, the National  
18 Electrical Manufacturers Association  
19 shall conform the published table of  
20 the Association to the table adopted  
21 by the Secretary.

22 “(v) NONTRANSMISSION OF TABLE.—

23 If the National Electrical Manufacturers  
24 Association has not submitted the table to  
25 the Secretary within 1 year after the date

1 of enactment of this paragraph, the Sec-  
2 retary shall develop, publish, and adopt the  
3 table not later than 18 months after the  
4 date of enactment of this paragraph and  
5 update the table regularly.

6 “(F) AMENDMENT OF TEST METHODS.—  
7 The Secretary may, by rule, adopt new or addi-  
8 tional test methods for pole-mounted outdoor  
9 luminaires in accordance with this section.”.

10 (d) LABELING.—Section 344 of the Energy Policy  
11 and Conservation Act (42 U.S.C. 6315) is amended—

12 (1) in subsections (d) and (e), by striking “(h)”  
13 each place it appears and inserting “(i)”;

14 (2) by redesignating subsections (f) through (k)  
15 as subsections (g) through (l), respectively; and

16 (3) by inserting after subsection (e) the fol-  
17 lowing:

18 “(f) LABELING RULES FOR POLE-MOUNTED OUT-  
19 DOOR LUMINAIRES.—

20 “(1) IN GENERAL.—Subject to subsection (i),  
21 not later than 1 year after the date of enactment of  
22 this paragraph, the Secretary shall establish labeling  
23 rules under this part for pole-mounted outdoor  
24 luminaires manufactured on or after the date on

1 which standards established under section 342(g)  
2 take effect.

3 “(2) RULES.—The rules shall require—

4 “(A) for pole-mounted outdoor luminaires,  
5 that the luminaire, be marked with a capital  
6 letter ‘P’ printed within a circle in a con-  
7 spicuous location on both the pole-mounted lu-  
8 minaire and its packaging to indicate that the  
9 pole-mounted outdoor luminaire conforms to the  
10 energy conservation standards established in  
11 section 342(g); and

12 “(B) for pole-mounted outdoor luminaires  
13 that do not contain a lamp in the same ship-  
14 ment with the luminaire and are tested with a  
15 lamp with a lumen rating exceeding the stand-  
16 ard lumen value specified in the table estab-  
17 lished under section 343(a)(10)(E), that the lu-  
18 minaire—

19 “(i) be labeled to identify the min-  
20 imum rated initial lamp lumens and max-  
21 imum rated lamp watts required to con-  
22 form to the energy conservation standards  
23 established in section 342(g); and

24 “(ii) bear a statement on the label  
25 that states: ‘Product violates Federal law

1                   when installed with a standard lamp. Use  
2                   only a lamp that meets the minimum  
3                   lumens and maximum watts provided on  
4                   this label.’.’.

5           (e) PREEMPTION.—Section 345 of the Energy Policy  
6 and Conservation Act (42 U.S.C. 6316) is amended—

7                   (1) in the first sentence of subsection (a), by  
8                   striking “The” and inserting “Except as otherwise  
9                   provided in this section, the”; and

10                   (2) by adding at the end the following:

11           “(i) POLE-MOUNTED OUTDOOR LUMINAIRES AND  
12 HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ HALO-  
13 GEN LAMPS.—

14                   “(1) IN GENERAL.—Except as provided in para-  
15                   graph (2), section 327 shall apply to pole-mounted  
16                   outdoor luminaires and high light output double-  
17                   ended quartz halogen lamps to the same extent and  
18                   in the same manner as the section applies under  
19                   part B.

20                   “(2) STATE ENERGY CONSERVATION STAND-  
21                   ARDS.—Any State energy conservation standard that  
22                   is adopted on or before January 1, 2015, pursuant  
23                   to a statutory requirement to adopt efficiency stand-  
24                   ard for reducing outdoor lighting energy use enacted  
25                   prior to January 31, 2008, shall not be preempted.’.’.

1 **SEC. 23. STANDARDS FOR COMMERCIAL FURNACES.**

2 Section 342(a) of the Energy Policy and Conserva-  
3 tion Act (42 U.S.C. 6313(a)) is amended by adding at  
4 the end the following:

5 “(11) Warm air furnaces with an input rating  
6 of 225,000 Btu per hour or more and manufactured  
7 after January 1, 2011, shall meet the following  
8 standard levels:

9 “(A) Gas-fired units shall—

10 “(i) have a minimum combustion effi-  
11 ciency of 80 percent;

12 “(ii) include an interrupted or inter-  
13 mittent ignition device;

14 “(iii) have jacket losses not exceeding  
15 0.75 percent of the input rating; and

16 “(iv) have power venting or a flue  
17 damper.

18 “(B) Oil-fired units shall have—

19 “(i) a minimum thermal efficiency of  
20 81 percent;

21 “(ii) jacket losses not exceeding 0.75  
22 percent of the input rating; and

23 “(iii) power venting or a flue damp-  
24 er.”.



1 **SEC. 24. SERVICE OVER THE COUNTER, SELF-CONTAINED,**  
2 **MEDIUM TEMPERATURE COMMERCIAL RE-**  
3 **FRIGERATORS.**

4 Section 342(c) of the Energy Policy and Conservation  
5 Act (42 U.S.C. 6313(c)) is amended—

6 (1) in paragraph (1)—

7 (A) by redesignating subparagraph (C) as  
8 subparagraph (E); and

9 (B) by inserting after subparagraph (B)  
10 the following:

11 “(C) The term ‘service over the counter,  
12 self-contained, medium temperature commercial  
13 refrigerator’ or ‘(SOC–SC–M)’ means a me-  
14 dium temperature commercial refrigerator—

15 “(i) with a self-contained condensing  
16 unit and equipped with sliding or hinged  
17 doors in the back intended for use by sales  
18 personnel, and with glass or other trans-  
19 parent material in the front for displaying  
20 merchandise; and

21 “(ii) that has a height not greater  
22 than 66 inches and is intended to serve as  
23 a counter for transactions between sales  
24 personnel and customers.

1           “(D) The term ‘TDA’ means the total dis-  
2           play area (ft<sup>2</sup>) of the refrigerated case, as de-  
3           fined in AHRI Standard 1200.”;

4           (2) by redesignating paragraphs (4) and (5) as  
5           paragraphs (5) and (6), respectively; and

6           (3) by inserting after paragraph (3) the fol-  
7           lowing:

8           “(4) Each SOC–SC–M manufactured on or  
9           after January 1, 2012, shall have a total daily en-  
10          ergy consumption (in kilowatt hours per day) of not  
11          more than  $0.6 \times \text{TDA} + 1.0$ .”.

12 **SEC. 25. MOTOR MARKET ASSESSMENT AND COMMERCIAL**  
13 **AWARENESS PROGRAM.**

14 (a) FINDINGS.—Congress finds that—

15           (1) electric motor systems account for about  
16           half of the electricity used in the United States;

17           (2) electric motor energy use is determined by  
18           both the efficiency of the motor and the system in  
19           which the motor operates;

20           (3) Federal Government research on motor end  
21           use and efficiency opportunities is more than a dec-  
22           ade old; and

23           (4) the Census Bureau has discontinued collec-  
24           tion of data on motor and generator importation,  
25           manufacture, shipment, and sales.

1 (b) DEFINITIONS.—In this section:

2 (1) DEPARTMENT.—The term “Department”  
3 means the Department of Energy.

4 (2) INTERESTED PARTIES.—The term “inter-  
5 ested parties” includes—

6 (A) trade associations;

7 (B) motor manufacturers;

8 (C) motor end users;

9 (D) electric utilities; and

10 (E) individuals and entities that conduct  
11 energy efficiency programs.

12 (3) SECRETARY.—The term “Secretary” means  
13 the Secretary of Energy, in consultation with inter-  
14 ested parties.

15 (c) ASSESSMENT.—The Secretary shall conduct an  
16 assessment of electric motors and the electric motor mar-  
17 ket in the United States that shall—

18 (1) include important subsectors of the indus-  
19 trial and commercial electric motor market (as de-  
20 termined by the Secretary), including—

21 (A) the stock of motors and motor-driven  
22 equipment;

23 (B) efficiency categories of the motor pop-  
24 ulation; and

1 (C) motor systems that use drives, servos,  
2 and other control technologies;

3 (2) characterize and estimate the opportunities  
4 for improvement in the energy efficiency of motor  
5 systems by market segment, including opportunities  
6 for—

7 (A) expanded use of drives, servos, and  
8 other control technologies;

9 (B) expanded use of process control,  
10 pumps, compressors, fans or blowers, and mate-  
11 rial handling components; and

12 (C) substitution of existing motor designs  
13 with existing and future advanced motor de-  
14 signs, including electronically commutated per-  
15 manent magnet, interior permanent magnet,  
16 and switched reluctance motors; and

17 (3) develop an updated profile of motor system  
18 purchase and maintenance practices, including sur-  
19 veying the number of companies that have motor  
20 purchase and repair specifications, by company size,  
21 number of employees, and sales.

22 (d) RECOMMENDATIONS; UPDATE.—Based on the as-  
23 sessment conducted under subsection (c), the Secretary  
24 shall—

25 (1) develop—

1 (A) recommendations to update the de-  
2 tailed motor profile on a periodic basis;

3 (B) methods to estimate the energy sav-  
4 ings and market penetration that is attributable  
5 to the Save Energy Now Program of the De-  
6 partment; and

7 (C) recommendations for the Director of  
8 the Census Bureau on market surveys that  
9 should be undertaken in support of the motor  
10 system activities of the Department; and

11 (2) prepare an update to the Motor Master+  
12 program of the Department.

13 (e) PROGRAM.—Based on the assessment, rec-  
14 ommendations, and update required under subsections (c)  
15 and (d), the Secretary shall establish a proactive, national  
16 program targeted at motor end-users and delivered in co-  
17 operation with interested parties to increase awareness  
18 of—

19 (1) the energy and cost-saving opportunities in  
20 commercial and industrial facilities using higher effi-  
21 ciency electric motors;

22 (2) improvements in motor system procurement  
23 and management procedures in the selection of high-  
24 er efficiency electric motors and motor-system com-

1       ponents, including drives, controls, and driven equip-  
2       ment; and

3               (3) criteria for making decisions for new, re-  
4       placement, or repair motor and motor system com-  
5       ponents.

6       **SEC. 26. STUDY OF COMPLIANCE WITH ENERGY STAND-**  
7                               **ARDS FOR APPLIANCES.**

8           (a) IN GENERAL.—The Secretary shall conduct a  
9       study of the degree of compliance with energy standards  
10      for appliances, including an investigation of compliance  
11      rates and options for improving compliance, including en-  
12      forcement.

13          (b) REPORT.—Not later than 18 months after the  
14      date of enactment of this Act, the Secretary shall submit  
15      to the appropriate committees of Congress a report de-  
16      scribing the results of the study, including any rec-  
17      ommendations.

18       **SEC. 27. STUDY OF DIRECT CURRENT ELECTRICITY SUPPLY**  
19                               **IN CERTAIN BUILDINGS.**

20          (a) IN GENERAL.—The Secretary shall conduct a  
21      study—

22               (1) of the costs and benefits (including signifi-  
23      cant energy efficiency, power quality, and other  
24      power grid, safety, and environmental benefits) of

1 requiring high-quality, direct current electricity sup-  
2 ply in certain buildings; and

3 (2) to determine, if the requirement described  
4 in paragraph (1) is imposed, what the policy and  
5 role of the Federal Government should be in real-  
6 izing those benefits.

7 (b) REPORT.—Not later than 1 year after the date  
8 of enactment of this Act, the Secretary shall submit to  
9 the appropriate committees of Congress a report describ-  
10 ing the results of the study, including any recommenda-  
11 tions.

12 **SEC. 28. TECHNICAL CORRECTIONS.**

13 (a) TITLE III OF ENERGY INDEPENDENCE AND SE-  
14 CURITY ACT OF 2007—ENERGY SAVINGS THROUGH IM-  
15 PROVED STANDARDS FOR APPLIANCES AND LIGHTING.—

16 (1) Section 325(u) of the Energy Policy and  
17 Conservation Act (42 U.S.C. 6295(u)) (as amended  
18 by section 301(c) of the Energy Independence and  
19 Security Act of 2007 (121 Stat. 1550)) is amend-  
20 ed—

21 (A) by redesignating paragraph (7) as  
22 paragraph (4); and

23 (B) in paragraph (4) (as so redesignated),  
24 by striking “supplies is” and inserting “supply  
25 is”.

1           (2) Section 302(b) of the Energy Independence  
2 and Security Act of 2007 (121 Stat. 1551) is  
3 amended by striking “6313(a)” and inserting  
4 “6314(a)”.

5           (3) Section 342(a)(6) of the Energy Policy and  
6 Conservation Act (42 U.S.C. 6313(a)(6)) (as amend-  
7 ed by section 305(b)(2) of the Energy Independence  
8 and Security Act of 2007 (121 Stat. 1554)) is  
9 amended—

10           (A) in subparagraph (B)—

11           (i) by striking “If the Secretary” and  
12 inserting the following:

13           “(i) IN GENERAL.—If the Secretary”;

14           (ii) by striking “clause (ii)(II)” and  
15 inserting “subparagraph (A)(ii)(II)”;

16           (iii) by striking “clause (i)” and in-  
17 serting “subparagraph (A)(i)”;

18           (iv) by adding at the end the fol-  
19 lowing:

20           “(ii) FACTORS.—In determining  
21 whether a standard is economically justi-  
22 fied for the purposes of subparagraph  
23 (A)(ii)(II), the Secretary shall, after receiv-  
24 ing views and comments furnished with re-  
25 spect to the proposed standard, determine



1           whether the benefits of the standard ex-  
2           ceed the burden of the proposed standard  
3           by, to the maximum extent practicable,  
4           considering—

5                       “(I) the economic impact of the  
6                       standard on the manufacturers and  
7                       on the consumers of the products sub-  
8                       ject to the standard;

9                       “(II) the savings in operating  
10                      costs throughout the estimated aver-  
11                      age life of the product in the type (or  
12                      class) compared to any increase in the  
13                      price of, or in the initial charges for,  
14                      or maintenance expenses of, the prod-  
15                      ucts that are likely to result from the  
16                      imposition of the standard;

17                     “(III) the total projected quan-  
18                     tity of energy savings likely to result  
19                     directly from the imposition of the  
20                     standard;

21                     “(IV) any lessening of the utility  
22                     or the performance of the products  
23                     likely to result from the imposition of  
24                     the standard;

1           “(V) the impact of any lessening  
2 of competition, as determined in writ-  
3 ing by the Attorney General, that is  
4 likely to result from the imposition of  
5 the standard;

6           “(VI) the need for national en-  
7 ergy conservation; and

8           “(VII) other factors the Sec-  
9 retary considers relevant.

10          “(iii) ADMINISTRATION.—

11           “(I) ENERGY USE AND EFFI-  
12 CIENCY.—The Secretary may not pre-  
13 scribe any amended standard under  
14 this paragraph that increases the  
15 maximum allowable energy use, or de-  
16 creases the minimum required energy  
17 efficiency, of a covered product.

18          “(II) UNAVAILABILITY.—

19           “(aa) IN GENERAL.—The  
20 Secretary may not prescribe an  
21 amended standard under this  
22 subparagraph if the Secretary  
23 finds (and publishes the finding)  
24 that interested persons have es-  
25 tablished by a preponderance of

1 the evidence that a standard is  
2 likely to result in the unavail-  
3 ability in the United States in  
4 any product type (or class) of  
5 performance characteristics (in-  
6 cluding reliability, features, sizes,  
7 capacities, and volumes) that are  
8 substantially the same as those  
9 generally available in the United  
10 States at the time of the finding  
11 of the Secretary.

12 “(bb) OTHER TYPES OR  
13 CLASSES.—The failure of some  
14 types (or classes) to meet the cri-  
15 terion established under this sub-  
16 clause shall not affect the deter-  
17 mination of the Secretary on  
18 whether to prescribe a standard  
19 for the other types or classes.”;  
20 and

21 (B) in subparagraph (C)(iv), by striking  
22 “An amendment prescribed under this sub-  
23 section” and inserting “Notwithstanding sub-  
24 paragraph (D), an amendment prescribed under  
25 this subparagraph”.

1           (4) Section 342(a)(6)(B)(iii) of the Energy Pol-  
2     icy and Conservation Act (as added by section  
3     306(c) of the Energy Independence and Security Act  
4     of 2007 (121 Stat. 1559)) is transferred and reded-  
5     esignated as clause (vi) of section 342(a)(6)(C) of the  
6     Energy Policy and Conservation Act (as amended by  
7     section 305(b)(2) of the Energy Independence and  
8     Security Act of 2007 (121 Stat. 1554)).

9           (5) Section 345 of the Energy Policy and Con-  
10    servation Act (42 U.S.C. 6316) (as amended by sec-  
11    tion 312(e) of the Energy Independence and Secu-  
12    rity Act of 2007 (121 Stat. 1567)) is amended—

13           (A) by striking “subparagraphs (B)  
14           through (G)” each place it appears and insert-  
15           ing “subparagraphs (B), (C), (D), (I), (J), and  
16           (K)”;

17           (B) by striking “part A” each place it ap-  
18           pears and inserting “part B”; and

19           (C) in subsection (h)(3), by striking “sec-  
20           tion 342(f)(3)” and inserting “section  
21           342(f)(4)”.

22           (6) Section 340(13) of the Energy Policy and  
23    Conservation Act (42 U.S.C. 6311(13)) (as amended  
24    by section 313(a) of the Energy Independence and

1 Security Act of 2007 (121 Stat. 1568)) is amend-  
2 ed—

3 (A) by striking subparagraphs (A) and (B)  
4 and inserting the following:

5 “(A) IN GENERAL.—The term ‘electric  
6 motor’ means any of the following:

7 “(i) A motor that is a general purpose  
8 T-frame, single-speed, foot-mounting, poly-  
9 phase squirrel-cage induction motor of the  
10 National Electrical Manufacturers Associa-  
11 tion, Design A and B, continuous rated,  
12 operating on 230/460 volts and constant  
13 60 Hertz line power as defined in NEMA  
14 Standards Publication MG1–1987.

15 “(ii) A motor incorporating the design  
16 elements described in clause (i), but is con-  
17 figured to incorporate 1 or more of the fol-  
18 lowing variations:

19 “(I) U-frame motor.

20 “(II) NEMA Design C motor.

21 “(III) Close-coupled pump motor.

22 “(IV) Footless motor.

23 “(V) Vertical solid shaft normal  
24 thrust motor (as tested in a horizontal  
25 configuration).

1 “(VI) 8-pole motor.

2 “(VII) Poly-phase motor with a  
3 voltage rating of not more than 600  
4 volts (other than 230 volts or 460  
5 volts, or both, or can be operated on  
6 230 volts or 460 volts, or both).”; and

7 (B) by redesignating subparagraphs (C)  
8 through (I) as subparagraphs (B) through (H),  
9 respectively.

10 (7)(A) Section 342(b) of the Energy Policy and  
11 Conservation Act (42 U.S.C. 6313(b)) is amended—

12 (i) in paragraph (1), by striking “para-  
13 graph (2)” and inserting “paragraph (3)”;

14 (ii) by redesignating paragraphs (2) and  
15 (3) as paragraphs (3) and (4);

16 (iii) by inserting after paragraph (1) the  
17 following:

18 “(2) STANDARDS EFFECTIVE BEGINNING DE-  
19 CEMBER 19, 2010.—

20 “(A) IN GENERAL.—Except for definite  
21 purpose motors, special purpose motors, and  
22 those motors exempted by the Secretary under  
23 paragraph (3) and except as provided for in  
24 subparagraphs (B), (C), and (D), each electric  
25 motor manufactured with power ratings from 1

1 to 200 horsepower (alone or as a component of  
2 another piece of equipment) on or after Decem-  
3 ber 19, 2010, shall have a nominal full load ef-  
4 ficiency of not less than the nominal full load  
5 efficiency described in NEMA MG-1 (2006)  
6 Table 12-12.

7 “(B) FIRE PUMP ELECTRIC MOTORS.—Ex-  
8 cept for those motors exempted by the Sec-  
9 retary under paragraph (3), each fire pump  
10 electric motor manufactured with power ratings  
11 from 1 to 200 horsepower (alone or as a compo-  
12 nent of another piece of equipment) on or after  
13 December 19, 2010, shall have a nominal full  
14 load efficiency that is not less than the nominal  
15 full load efficiency described in NEMA MG-1  
16 (2006) Table 12-11.

17 “(C) NEMA DESIGN B ELECTRIC MO-  
18 TORS.—Except for those motors exempted by  
19 the Secretary under paragraph (3), each  
20 NEMA Design B electric motor with power rat-  
21 ings of more than 200 horsepower, but not  
22 greater than 500 horsepower, manufactured  
23 (alone or as a component of another piece of  
24 equipment) on or after December 19, 2010,  
25 shall have a nominal full load efficiency of not

1 less than the nominal full load efficiency de-  
2 scribed in NEMA MG-1 (2006) Table 12-11.

3 “(D) MOTORS INCORPORATING CERTAIN  
4 DESIGN ELEMENTS.—Except for those motors  
5 exempted by the Secretary under paragraph  
6 (3), each electric motor described in section  
7 340(13)(A)(ii) manufactured with power rat-  
8 ings from 1 to 200 horsepower (alone or as a  
9 component of another piece of equipment) on or  
10 after December 19, 2010, shall have a nominal  
11 full load efficiency of not less than the nominal  
12 full load efficiency described in NEMA MG-1  
13 (2006) Table 12-11.”; and

14 (iv) in paragraph (3) (as redesignated by  
15 clause (ii)), by striking “paragraph (1)” each  
16 place it appears in subparagraphs (A) and (D)  
17 and inserting “paragraphs (1) and (2)”.

18 (B) Section 313 of the Energy Independence  
19 and Security Act of 2007 (121 Stat. 1568) is re-  
20 pealed.

21 (C) The amendments made by—

22 (i) subparagraph (A) take effect on De-  
23 cember 19, 2010; and

24 (ii) subparagraph (B) take effect on De-  
25 cember 19, 2007.



1           (8) Section 321(30)(D)(i)(III) of the Energy  
2 Policy and Conservation Act (42 U.S.C.  
3 6291(30)(D)(i)(III)) (as amended by section  
4 321(a)(1)(A) of the Energy Independence and Secu-  
5 rity Act of 2007 (121 Stat. 1574)) is amended by  
6 inserting before the semicolon the following: “or, in  
7 the case of a modified spectrum lamp, not less than  
8 232 lumens and not more than 1,950 lumens”.

9           (9) Section 321(30)(T) of the Energy Policy  
10 and Conservation Act (42 U.S.C. 6291(30)(T)) (as  
11 amended by section 321(a)(1)(B) of the Energy  
12 Independence and Security Act of 2007 (121 Stat.  
13 1574)) is amended—

14           (A) in clause (i)—

15           (i) by striking the comma after  
16 “household appliance” and inserting  
17 “and”; and

18           (ii) by striking “and is sold at retail,”;

19           and

20           (B) in clause (ii), by inserting “when sold  
21 at retail,” before “is designated”.

22           (10) Section 325(i) of the Energy Policy and  
23 Conservation Act (42 U.S.C. 6295(i)) (as amended  
24 by sections 321(a)(3)(A) and 322(b) of the Energy  
25 Independence and Security Act of 2007 (121 Stat.

1 1577, 1588)) is amended by striking the subsection  
 2 designation and all that follows through the end of  
 3 paragraph (8) and inserting the following:

4 “(i) GENERAL SERVICE FLUORESCENT LAMPS, GEN-  
 5 ERAL SERVICE INCANDESCENT LAMPS, INTERMEDIATE  
 6 BASE INCANDESCENT LAMPS, CANDELABRA BASE INCAN-  
 7 DESCENT LAMPS, AND INCANDESCENT REFLECTOR  
 8 LAMPS.—

9 “(1) ENERGY EFFICIENCY STANDARDS.—

10 “(A) IN GENERAL.—Each of the following  
 11 general service fluorescent lamps, general serv-  
 12 ice incandescent lamps, intermediate base in-  
 13 candescent lamps, candelabra base incandescent  
 14 lamps, and incandescent reflector lamps manu-  
 15 factured after the effective date specified in the  
 16 tables listed in this subparagraph shall meet or  
 17 exceed the standards established in the fol-  
 18 lowing tables:

“FLUORESCENT LAMPS

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
4-foot medium bi-pin .....	>35 W	69	75.0	36
.....	≤35 W	45	75.0	36
2-foot U-shaped .....	>35 W	69	68.0	36
.....	≤35 W	45	64.0	36
8-foot slimline .....	>65 W	69	80.0	18
.....	≤65 W	45	80.0	18
8-foot high output .....	>100 W	69	80.0	18
.....	≤100 W	45	80.0	18

## “INCANDESCENT REFLECTOR LAMPS

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
40–50 .....	10.5	36
51–66 .....	11.0	36
67–85 .....	12.5	36
86–115 .....	14.0	36
116–155 .....	14.5	36
156–205 .....	15.0	36

## “GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rated Wattage	Minimum Rated Life-time	Effective Date
1490–2600	72	1,000 hrs	1/1/2012
1050–1489	53	1,000 hrs	1/1/2013
750–1049	43	1,000 hrs	1/1/2014
310–749	29	1,000 hrs	1/1/2014

## “MODIFIED SPECTRUM GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rated Wattage	Minimum Rated Life-time	Effective Date
1118–1950	72	1,000 hrs	1/1/2012
788–1117	53	1,000 hrs	1/1/2013
563–787	43	1,000 hrs	1/1/2014
232–562	29	1,000 hrs	1/1/2014

- 1                   “(B) APPLICATION.—
- 2                   “(i) APPLICATION CRITERIA.—This
- 3                   subparagraph applies to each lamp that—
- 4                   “(I) is intended for a general
- 5                   service or general illumination applica-
- 6                   tion (whether incandescent or not);
- 7                   “(II) has a medium screw base
- 8                   or any other screw base not defined in
- 9                   ANSI C81.61–2006;

1                   “(III) is capable of being oper-  
2                   ated at a voltage at least partially  
3                   within the range of 110 to 130 volts;  
4                   and

5                   “(IV) is manufactured or im-  
6                   ported after December 31, 2011.

7                   “(ii) REQUIREMENT.—For purposes  
8                   of this paragraph, each lamp described in  
9                   clause (i) shall have a color rendering  
10                  index that is greater than or equal to—

11                  “(I) 80 for nonmodified spectrum  
12                  lamps; or

13                  “(II) 75 for modified spectrum  
14                  lamps.

15                  “(C) CANDELABRA INCANDESCENT LAMPS  
16                  AND INTERMEDIATE BASE INCANDESCENT  
17                  LAMPS.—

18                  “(i) CANDELABRA BASE INCANDES-  
19                  CENT LAMPS.—Effective beginning Janu-  
20                  ary 1, 2012, a candelabra base incandes-  
21                  cent lamp shall not exceed 60 rated watts.

22                  “(ii) INTERMEDIATE BASE INCANDES-  
23                  CENT LAMPS.—Effective beginning Janu-  
24                  ary 1, 2012, an intermediate base incan-

1 descent lamp shall not exceed 40 rated  
2 watts.

3 “(D) EXEMPTIONS.—

4 “(i) STATUTORY EXEMPTIONS.—The  
5 standards specified in subparagraph (A)  
6 shall not apply to the following types of in-  
7 candescent reflector lamps:

8 “(I) Lamps rated at 50 watts or  
9 less that are ER30, BR30, BR40, or  
10 ER40 lamps.

11 “(II) Lamps rated at 65 watts  
12 that are BR30, BR40, or ER40  
13 lamps.

14 “(III) R20 incandescent reflector  
15 lamps rated 45 watts or less.

16 “(ii) ADMINISTRATIVE EXEMP-  
17 TIONS.—

18 “(I) PETITION.—Any person may  
19 petition the Secretary for an exemp-  
20 tion for a type of general service lamp  
21 from the requirements of this sub-  
22 section.

23 “(II) CRITERIA.—The Secretary  
24 may grant an exemption under sub-  
25 clause (I) only to the extent that the

1 Secretary finds, after a hearing and  
2 opportunity for public comment, that  
3 it is not technically feasible to serve a  
4 specialized lighting application (such  
5 as a military, medical, public safety,  
6 or certified historic lighting applica-  
7 tion) using a lamp that meets the re-  
8 quirements of this subsection.

9 “(III) ADDITIONAL CRITERION.—

10 To grant an exemption for a product  
11 under this clause , the Secretary shall  
12 include, as an additional criterion,  
13 that the exempted product is unlikely  
14 to be used in a general service lighting  
15 application.

16 “(E) EXTENSION OF COVERAGE.—

17 “(i) PETITION.—Any person may peti-  
18 tion the Secretary to establish standards  
19 for lamp shapes or bases that are excluded  
20 from the definition of general service  
21 lamps.

22 “(ii) INCREASED SALES OF EXEMPT-  
23 ED LAMPS.—The petition shall include evi-  
24 dence that the availability or sales of ex-  
25 empted incandescent lamps have increased

1 significantly since the date on which the  
2 standards on general service incandescent  
3 lamps were established.

4 “(iii) CRITERIA.—The Secretary shall  
5 grant a petition under clause (i) if the Sec-  
6 retary finds that—

7 “(I) the petition presents evi-  
8 dence that demonstrates that commer-  
9 cial availability or sales of exempted  
10 incandescent lamp types have in-  
11 creased significantly since the stand-  
12 ards on general service lamps were es-  
13 tablished and likely are being widely  
14 used in general lighting applications;  
15 and

16 “(II) significant energy savings  
17 could be achieved by covering exempt-  
18 ed products, as determined by the  
19 Secretary based in part on sales data  
20 provided to the Secretary from manu-  
21 facturers and importers.

22 “(iv) NO PRESUMPTION.—The grant  
23 of a petition under this subparagraph shall  
24 create no presumption with respect to the  
25 determination of the Secretary with respect

1 to any criteria under a rulemaking con-  
2 ducted under this section.

3 “(v) EXPEDITED PROCEEDING.—If  
4 the Secretary grants a petition for a lamp  
5 shape or base under this subparagraph,  
6 the Secretary shall—

7 “(I) conduct a rulemaking to de-  
8 termine standards for the exempted  
9 lamp shape or base; and

10 “(II) complete the rulemaking  
11 not later than 18 months after the  
12 date on which notice is provided  
13 granting the petition.

14 “(F) EFFECTIVE DATES.—

15 “(i) IN GENERAL.—In this paragraph,  
16 except as otherwise provided in a table  
17 contained in subparagraph (A) or in clause  
18 (ii), the term ‘effective date’ means the last  
19 day of the month specified in the table  
20 that follows October 24, 1992.

21 “(ii) SPECIAL EFFECTIVE DATES.—

22 “(I) ER, BR, AND BPAR  
23 LAMPS.—The standards specified in  
24 subparagraph (A) shall apply with re-  
25 spect to ER incandescent reflector



1 lamps, BR incandescent reflector  
2 lamps, BPAR incandescent reflector  
3 lamps, and similar bulb shapes on and  
4 after January 1, 2008, or the date  
5 that is 180 days after the date of en-  
6 actment of the Energy Independence  
7 and Security Act of 2007.

8 “(II) LAMPS BETWEEN 2.25–2.75  
9 INCHES IN DIAMETER.—The stand-  
10 ards specified in subparagraph (A)  
11 shall apply with respect to incandes-  
12 cent reflector lamps with a diameter  
13 of more than 2.25 inches, but not  
14 more than 2.75 inches, on and after  
15 the later of January 1, 2008, or the  
16 date that is 180 days after the date of  
17 enactment of the Energy Independ-  
18 ence and Security Act of 2007.

19 “(2) COMPLIANCE WITH EXISTING LAW.—Not-  
20 withstanding section 332(a)(5) and section 332(b),  
21 it shall not be unlawful for a manufacturer to sell  
22 a lamp that is in compliance with the law at the  
23 time the lamp was manufactured.

24 “(3) RULEMAKING BEFORE OCTOBER 24,  
25 1995.—

1           “(A) IN GENERAL.—Not later than 36  
2 months after October 24, 1992, the Secretary  
3 shall initiate a rulemaking procedure and shall  
4 publish a final rule not later than the end of  
5 the 54-month period beginning on October 24,  
6 1992, to determine whether the standards es-  
7 tablished under paragraph (1) should be  
8 amended.

9           “(B) ADMINISTRATION.—The rule shall  
10 contain the amendment, if any, and provide  
11 that the amendment shall apply to products  
12 manufactured on or after the 36-month period  
13 beginning on the date on which the final rule is  
14 published.

15           “(4) RULEMAKING BEFORE OCTOBER 24,  
16 2000.—

17           “(A) IN GENERAL.—Not later than 8 years  
18 after October 24, 1992, the Secretary shall ini-  
19 tiate a rulemaking procedure and shall publish  
20 a final rule not later than 9 years and 6 months  
21 after October 24, 1992, to determine whether  
22 the standards in effect for fluorescent lamps  
23 and incandescent lamps should be amended.

24           “(B) ADMINISTRATION.—The rule shall  
25 contain the amendment, if any, and provide

1 that the amendment shall apply to products  
2 manufactured on or after the 36-month period  
3 beginning on the date on which the final rule is  
4 published.

5 “(5) RULEMAKING FOR ADDITIONAL GENERAL  
6 SERVICE FLUORESCENT LAMPS.—

7 “(A) IN GENERAL.—Not later than the  
8 end of the 24-month period beginning on the  
9 date labeling requirements under section  
10 324(a)(2)(C) become effective, the Secretary  
11 shall—

12 “(i) initiate a rulemaking procedure to  
13 determine whether the standards in effect  
14 for fluorescent lamps and incandescent  
15 lamps should be amended so that the  
16 standards would be applicable to additional  
17 general service fluorescent lamps; and

18 “(ii) publish, not later than 18  
19 months after initiating the rulemaking, a  
20 final rule including the amended stand-  
21 ards, if any.

22 “(B) ADMINISTRATION.—The rule shall  
23 provide that the amendment shall apply to  
24 products manufactured after a date which is 36

1 months after the date on which the rule is pub-  
2 lished.

3 “(6) STANDARDS FOR GENERAL SERVICE  
4 LAMPS.—

5 “(A) RULEMAKING BEFORE JANUARY 1,  
6 2014.—

7 “(i) IN GENERAL.—Not later than  
8 January 1, 2014, the Secretary shall ini-  
9 tiate a rulemaking procedure to determine  
10 whether—

11 “(I) standards in effect for gen-  
12 eral service lamps should be amended;  
13 and

14 “(II) the exclusions for certain  
15 incandescent lamps should be main-  
16 tained or discontinued based, in part,  
17 on excluded lamp sales collected by  
18 the Secretary from manufacturers.

19 “(ii) SCOPE.—The rulemaking—

20 “(I) shall not be limited to incan-  
21 descent lamp technologies; and

22 “(II) shall include consideration  
23 of a minimum standard of 45 lumens  
24 per watt for general service lamps.

1           “(iii) AMENDED STANDARDS.—If the  
2 Secretary determines that the standards in  
3 effect for general service lamps should be  
4 amended, the Secretary shall publish a  
5 final rule not later than January 1, 2017,  
6 with an effective date that is not earlier  
7 than 3 years after the date on which the  
8 final rule is published.

9           “(iv) PHASED-IN EFFECTIVE  
10 DATES.—The Secretary shall consider  
11 phased-in effective dates under this sub-  
12 paragraph after considering—

13                   “(I) the impact of any amend-  
14 ment on manufacturers, retiring and  
15 repurposing existing equipment,  
16 stranded investments, labor contracts,  
17 workers, and raw materials; and

18                   “(II) the time needed to work  
19 with retailers and lighting designers  
20 to revise sales and marketing strate-  
21 gies.

22           “(v) BACKSTOP REQUIREMENT.—If  
23 the Secretary fails to complete a rule-  
24 making in accordance with clauses (i)  
25 through (iv) or if the final rule does not

1 produce savings that are greater than or  
2 equal to the savings from a minimum effi-  
3 cacy standard of 45 lumens per watt, effec-  
4 tive beginning January 1, 2020, the Sec-  
5 retary shall prohibit the manufacture of  
6 any general service lamp that does not  
7 meet a minimum efficacy standard of 45  
8 lumens per watt.

9 “(vi) STATE PREEMPTION.—Neither  
10 section 327 nor any other provision of law  
11 shall preclude California or Nevada from  
12 adopting, effective beginning on or after  
13 January 1, 2018—

14 “(I) a final rule adopted by the  
15 Secretary in accordance with clauses  
16 (i) through (iv);

17 “(II) if a final rule described in  
18 subclause (I) has not been adopted,  
19 the backstop requirement under  
20 clause (v); or

21 “(III) in the case of California, if  
22 a final rule described in subclause (I)  
23 has not been adopted, any California  
24 regulations relating to these covered  
25 products adopted pursuant to State

1 statute in effect as of the date of en-  
2 actment of the Energy Independence  
3 and Security Act of 2007.

4 “(B) RULEMAKING BEFORE JANUARY 1,  
5 2020.—

6 “(i) IN GENERAL.—Not later than  
7 January 1, 2020, the Secretary shall ini-  
8 tiate a rulemaking procedure to determine  
9 whether—

10 “(I) standards in effect for gen-  
11 eral service lamps should be amended;  
12 and

13 “(II) the exclusions for certain  
14 incandescent lamps should be main-  
15 tained or discontinued based, in part,  
16 on excluded lamp sales data collected  
17 by the Secretary from manufacturers.

18 “(ii) SCOPE.—The rulemaking shall  
19 not be limited to incandescent lamp tech-  
20 nologies.

21 “(iii) AMENDED STANDARDS.—If the  
22 Secretary determines that the standards in  
23 effect for general service lamps should be  
24 amended, the Secretary shall publish a  
25 final rule not later than January 1, 2022,

1 with an effective date that is not earlier  
2 than 3 years after the date on which the  
3 final rule is published.

4 “(iv) PHASED-IN EFFECTIVE  
5 DATES.—The Secretary shall consider  
6 phased-in effective dates under this sub-  
7 paragraph after considering—

8 “(I) the impact of any amend-  
9 ment on manufacturers, retiring and  
10 repurposing existing equipment,  
11 stranded investments, labor contracts,  
12 workers, and raw materials; and

13 “(II) the time needed to work  
14 with retailers and lighting designers  
15 to revise sales and marketing strate-  
16 gies.

17 “(7) FEDERAL ACTIONS.—

18 “(A) COMMENTS OF SECRETARY.—

19 “(i) IN GENERAL.—With respect to  
20 any lamp to which standards are applicable  
21 under this subsection or any lamp specified  
22 in section 346, the Secretary shall inform  
23 any Federal entity proposing actions that  
24 would adversely impact the energy con-  
25 sumption or energy efficiency of the lamp



1 of the energy conservation consequences of  
2 the action.

3 “(ii) CONSIDERATION.—The Federal  
4 entity shall carefully consider the com-  
5 ments of the Secretary.

6 “(B) AMENDMENT OF STANDARDS.—Not-  
7 withstanding section 325(n)(1), the Secretary  
8 shall not be prohibited from amending any  
9 standard, by rule, to permit increased energy  
10 use or to decrease the minimum required en-  
11 ergy efficiency of any lamp to which standards  
12 are applicable under this subsection if the ac-  
13 tion is warranted as a result of other Federal  
14 action (including restrictions on materials or  
15 processes) that would have the effect of either  
16 increasing the energy use or decreasing the en-  
17 ergy efficiency of the product.

18 “(8) COMPLIANCE.—

19 “(A) IN GENERAL.—Not later than the  
20 date on which standards established pursuant  
21 to this subsection become effective, or, with re-  
22 spect to high-intensity discharge lamps covered  
23 under section 346, the effective date of stand-  
24 ards established pursuant to that section, each  
25 manufacturer of a product to which the stand-

1           ards are applicable shall file with the Secretary  
2           a laboratory report certifying compliance with  
3           the applicable standard for each lamp type.

4           “(B) CONTENTS.—The report shall include  
5           the lumen output and wattage consumption for  
6           each lamp type as an average of measurements  
7           taken over the preceding 12-month period.

8           “(C) OTHER LAMP TYPES.—With respect  
9           to lamp types that are not manufactured during  
10          the 12-month period preceding the date on  
11          which the standards become effective, the re-  
12          port shall—

13                 “(i) be filed with the Secretary not  
14                 later than the date that is 12 months after  
15                 the date on which manufacturing is com-  
16                 menced; and

17                 “(ii) include the lumen output and  
18                 wattage consumption for each such lamp  
19                 type as an average of measurements taken  
20                 during the 12-month period.”.

21           (11) Section 325(l)(4)(A) of the Energy Policy  
22           and Conservation Act (42 U.S.C. 6295(l)(4)(A)) (as  
23           amended by section 321(a)(3)(B) of the Energy  
24           Independence and Security Act of 2007 (121 Stat.  
25           1581)) is amended by striking “only”.

1           (12) Section 327(b)(1)(B) of the Energy Policy  
2           and Conservation Act (42 U.S.C. 6297(b)(1)(B)) (as  
3           amended by section 321(d)(3) of the Energy Inde-  
4           pendence and Security Act of 2007 (121 Stat. 1585)  
5           and section 240(d)) is amended—

6                   (A) in clause (i), by inserting “and” after  
7           the semicolon at the end;

8                   (B) in clause (ii), by striking “; and” and  
9           inserting a period; and

10                  (C) by striking clause (iii).

11           (13) Section 321(30)(C)(ii) of the Energy Pol-  
12           icy and Conservation Act (42 U.S.C.  
13           6291(30)(C)(ii)) (as amended by section  
14           322(a)(1)(B) of the Energy Independence and Secu-  
15           rity Act of 2007 (121 Stat. 1587)) is amended by  
16           inserting a period after “40 watts or higher”.

17           (14) Section 322(b) of the Energy Independ-  
18           ence and Security Act of 2007 (121 Stat. 1588) is  
19           amended by striking “6995(i)” and inserting  
20           “6295(i)”.

21           (15) Section 327(c) of the Energy Policy and  
22           Conservation Act (42 U.S.C. 6297(c)) (as amended  
23           by sections 324(f) of the Energy Independence and  
24           Security Act of 2007 (121 Stat. 1594) and section  
25           6(e)(2)) is amended—

1 (A) in paragraph (6), by striking “or”  
2 after the semicolon at the end;

3 (B) in paragraph (9)(B), by striking “or”  
4 at the end;

5 (C) in paragraph (10), by striking the pe-  
6 riod at the end and inserting a semicolon;

7 (D) by adding at the end the following:

8 “(11) is a regulation for general service lamps  
9 that conforms with Federal standards and effective  
10 dates; or

11 “(12) is an energy efficiency standard for gen-  
12 eral service lamps enacted into law by the State of  
13 Nevada prior to December 19, 2007, if the State has  
14 not adopted the Federal standards and effective  
15 dates pursuant to subsection (b)(1)(B)(ii).”.

16 (16) Section 325(b) of the Energy Independ-  
17 ence and Security Act of 2007 (121 Stat. 1596) is  
18 amended by striking “6924(c)” and inserting  
19 “6294(c)”.

20 (17) This subsection and the amendments made  
21 by this subsection take effect as if included in the  
22 Energy Independence and Security Act of 2007  
23 (Public Law 110–140; 121 Stat. 1492).

24 (b) ENERGY POLICY ACT OF 2005.—

1           (1) Section 325(g)(8)(C)(ii) of the Energy Pol-  
2     icy and Conservation Act (42 U.S.C.  
3     6295(g)(8)(C)(ii)) (as added by section 135(c)(2)(B)  
4     of the Energy Policy Act of 2005) is amended by  
5     striking “20°F” and inserting “–20°F”.

6           (2) This subsection and the amendment made  
7     by this subsection take effect as if included in the  
8     Energy Policy Act of 2005 (Public Law 109–58; 119  
9     Stat. 594).

10          (c) ENERGY POLICY AND CONSERVATION ACT.—Sec-  
11     tion 343(a) of the Energy Policy and Conservation Act  
12     (42 U.S.C. 6314(a)) is amended by striking “Air-Cond-  
13     itioning and Refrigeration Institute” each place it appears  
14     in paragraphs (4)(A) and (7) and inserting “Air-Cond-  
15     itioning, Heating, and Refrigeration Institute”.

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