

117TH CONGRESS  
1ST SESSION

# H. R. 1326

To strengthen the Department of Energy’s appliance energy efficiency standards program and promote further energy efficiency gains, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2021

Ms. BROWNLEY introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To strengthen the Department of Energy’s appliance energy efficiency standards program and promote further energy efficiency gains, 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.**

4 This Act may be cited as the “Energy Efficient Appli-  
5 ances Act”.

6 **SEC. 2. REPEALS.**

7 (a) PROCEDURES FOR USE IN NEW OR REVISED EN-  
8 ERGY CONSERVATION STANDARDS AND TEST PROCE-  
9 DURES.—The final rule titled “Energy Conservation Pro-

1 gram for Appliance Standards: Procedures for Use in New  
2 or Revised Energy Conservation Standards and Test Pro-  
3 cedures for Consumer Products and Commercial/Indus-  
4 trial Equipment” (published at 85 Fed. Reg. 8626 (Feb-  
5 ruary 14, 2020)) shall have no force or effect and shall  
6 be treated as if such rule had never been issued.

7 (b) PROCEDURES FOR EVALUATING STATUTORY  
8 FACTORS.—The final rule titled “Energy Conservation  
9 Program for Appliance Standards: Procedures for Evalu-  
10 ating Statutory Factors for Use in New or Revised Energy  
11 Conservation Standards” (published at 85 Fed. Reg.  
12 50937 (August 19, 2020)) shall have no force or effect  
13 and shall be treated as if such rule had never been issued.

14 **SEC. 3. MULTIPLE METRICS.**

15 Section 321(6) of the Energy Policy and Conserva-  
16 tion Act (42 U.S.C. 6291(6)) is amended to read as fol-  
17 lows:

18 “(6) ENERGY CONSERVATION STANDARD.—

19 “(A) IN GENERAL.—The term ‘energy con-  
20 servation standard’ means, with respect to a  
21 product, 1 or more performance standards that  
22 prescribe—

23 “(i) a minimum level of energy effi-  
24 ciency or a maximum quantity of energy

1 use, determined in accordance with test  
2 procedures prescribed under section 323;

3 “(ii) a minimum level of water effi-  
4 ciency or a maximum quantity of water  
5 use, determined in accordance with test  
6 procedures prescribed under section 323;

7 or

8 “(iii) both (i) and (ii).

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

11 “(i) 1 or more design requirements;

12 and

13 “(ii) any other requirements that the  
14 Secretary may prescribe under section  
15 325(r).”.

16 **SEC. 4. EXPANDING THE POOL OF COVERED PRODUCTS.**

17 (a) **LOWERING ENERGY THRESHOLD LEVELS FOR**  
18 **CONSUMER PRODUCTS.—**

19 (1) **SPECIAL CLASSIFICATION OF CONSUMER**  
20 **PRODUCT.—**Section 322(b)(1)(B) of the Energy Pol-  
21 icy and Conservation Act (42 U.S.C. 6292(b)(1)(B))  
22 is amended by striking “exceed 100” and inserting  
23 “exceed 75”.

24 (2) **STANDARDS FOR OTHER COVERED PROD-**  
25 **UCTS.—**Section 325(l)(1)(A) of the Energy Policy

1 and Conservation Act (42 U.S.C. 6295(l)(1)(A)) is  
2 amended by striking “exceeded 150” and inserting  
3 “exceeded 75”.

4 (b) INDUSTRIAL EQUIPMENT.—Section 340(2)(B) of  
5 the Energy Policy and Conservation Act (42 U.S.C.  
6 6311(2)(B)) is amended—

7 (1) in clause (xii), by striking “and”; and

8 (2) by striking clause (xiii) and inserting the  
9 following:

10 “(xiii) other motors; and

11 “(xiv) other types of equipment for which the  
12 Secretary determines that—

13 “(I) classifying equipment of such type as  
14 industrial equipment is necessary or appro-  
15 priate to carry out the purposes of this part;  
16 and

17 “(II) average annual energy use by equip-  
18 ment of such type nationwide is likely to exceed  
19 3,000,000,000 kilowatt-hours (or its Btu equiv-  
20 alent) per year.”.

21 **SEC. 5. REDUCING LEAD TIMES.**

22 (a) STANDARDS FOR OTHER COVERED PRODUCTS.—  
23 Section 325(l)(2) of the Energy Policy and Conservation  
24 Act (42 U.S.C. 6295(l)(2)) is amended to read as follows:

25 “(2) APPLICABILITY.—

1           “(A) IN GENERAL.—Except as provided in  
2           subparagraph (B), any new or amended stand-  
3           ard for covered products of a type specified in  
4           paragraph (20) of section 322(a) shall apply to  
5           products manufactured after the date that is 3  
6           years after the publication of the final rule es-  
7           tablishing such standard.

8           “(B) OTHER APPLICABILITY.—The Sec-  
9           retary may, in prescribing a new or amended  
10          standard for covered products of a type speci-  
11          fied in paragraph (20) of section 322(a), re-  
12          quire that such standard apply to products  
13          manufactured not earlier than 1 year after pub-  
14          lication of the final rule establishing such  
15          standard and not later than 3 years after such  
16          publication.”.

17          (b) PRODUCTS RECEIVING UPDATED RULES.—

18                 (1) AMENDED STANDARDS.—Paragraph (4) of  
19                 section 325(m) of the Energy Policy and Conserva-  
20                 tion Act (42 U.S.C. 6295(m)(4)) is amended—

21                         (A) in subparagraph (A)—

22                                 (i) the matter preceding clause (i), by  
23                                 inserting “and subparagraph (C)” after  
24                                 “subparagraph (B)”; and

1 (ii) in clause (ii), by striking “5  
2 years” and inserting “3 years”; and

3 (B) by adding at the end the following sub-  
4 paragraph:

5 “(C) OTHER APPLICABILITY.—The Sec-  
6 retary may, in prescribing an amended stand-  
7 ard under this subsection, require that such  
8 amended standard apply to products manufac-  
9 tured not earlier than 1 year after publication  
10 of the final rule establishing such amended  
11 standard and not later than 3 years after such  
12 publication.”.

13 (2) AMENDED STANDARDS RESULTING FROM  
14 PETITION.—Paragraph (5) of section 325(n) of the  
15 Energy Policy and Conservation Act (42 U.S.C.  
16 6295(n)) is amended to read as follows:

17 “(5) APPLICABILITY.—

18 “(A) IN GENERAL.—Except as provided in  
19 subparagraph (B), an amended standard pre-  
20 scribed under this subsection shall apply to  
21 products manufactured after the date that is 3  
22 years after the publication of the final rule es-  
23 tablishing the amended standard.

24 “(B) OTHER APPLICABILITY.—The Sec-  
25 retary may, in prescribing an amended stand-

1           ard under this subsection, require that such  
2           amended standard apply to products manufac-  
3           tured not earlier than 1 year after publication  
4           of the final rule establishing such amended  
5           standard and not later than 3 years after such  
6           publication.”.

7           (c) AUTHORIZATION FOR MULTIPLE STANDARDS  
8 UNDER ONE RULEMAKING.—Section 325(o) of the En-  
9 ergy Policy and Conservation Act (42 U.S.C. 6295) is  
10 amended—

11           (1) by redesignating paragraph (6) as para-  
12           graph (7); and

13           (2) by adding after paragraph (5) the following:

14           “(6) MULTIPLE STANDARDS.—Notwithstanding  
15           subsection (m)(4)(B), in any rulemaking to prescribe  
16           a new or amended energy conservation standard for  
17           a covered product, or class of covered products, the  
18           Secretary may prescribe more than one such stand-  
19           ard for such covered product, or class of covered  
20           products, provided—

21           “(A) the less stringent standard prescribed  
22           shall apply to any such covered product, or  
23           class of covered products, manufactured not  
24           earlier than 1 year after publication of the final

1 rule prescribing such standards and not later  
2 than 3 years after such publication; and

3 “(B) the more stringent standard pre-  
4 scribed shall apply to any such covered product,  
5 or class of covered products, manufactured not  
6 later than 6 years after such publication.”.

7 **SEC. 6. EXEMPTION FROM PREEMPTION.**

8 (a) REMOVING BARRIERS TO EFFICIENCY.—

9 (1) IN GENERAL.—Section 327 of the Energy  
10 Policy and Conservation Act (42 U.S.C. 6297) is  
11 amended by adding at the end the following:

12 “(h) SUSPENSION OF PREEMPTION.—A State regula-  
13 tion concerning the energy efficiency, energy use, or water  
14 use of a covered product that would otherwise be super-  
15 seded by the provisions of this part in accordance with  
16 this section shall not be superseded during any period  
17 that—

18 “(1) begins on the date that is 8 years after the  
19 date on which an energy conservation standard is es-  
20 tablished or revised under section 325 for the cov-  
21 ered product; and

22 “(2) ends on the date that compliance with an  
23 energy conservation standard that is established or  
24 revised under section 325 and that is equivalent to

1 or more stringent than the State regulation is re-  
2 quired.

3 “(i) NO PREEMPTION ABSENT A FEDERAL STAND-  
4 ARD.—

5 “(1) APPLICATION.—Notwithstanding any other  
6 provision of this part, a State regulation concerning  
7 the energy efficiency, energy use, or water use of a  
8 covered product is not superseded by the provisions  
9 of this part if the State applies to any product not  
10 subject to an energy conservation standard estab-  
11 lished under section 325.

12 “(2) COMPLIANCE PERIOD.—Notwithstanding  
13 any other provision of this part, any State regulation  
14 prescribed or enacted for a covered product before  
15 the date on which an energy conservation standard  
16 is established under section 325 for the covered  
17 product shall not be preempted until the date on  
18 which compliance with an energy conservation stand-  
19 ard that is established under section 325 and that  
20 is equivalent to, or more stringent than, the require-  
21 ments of the State is required.”.

22 (2) ASHRAE PRODUCTS.—Section 345(b)(2) of  
23 the Energy Policy and Conservation Act (42 U.S.C.  
24 6316(b)(2)) is amended by adding at the end the  
25 following:

1           “(E) Notwithstanding subparagraph (A), a  
2           standard prescribed or established under section  
3           342(a) shall not supersede any State or local  
4           regulation concerning the energy efficiency or  
5           energy use of a product for which the standard  
6           is prescribed or established during any period  
7           that—

8                   “(i) begins on the date that is 8 years  
9                   after the date on which such standard is  
10                  prescribed or established; and

11                  “(ii) ends on the effective date of a  
12                  standard prescribed or established after  
13                  the date described in clause (i) under sec-  
14                  tion 342(a) for the product, that is equiva-  
15                  lent to, or more stringent than, the State  
16                  or local regulation.”.

17           (b) BUILDING CODES.—

18                   (1) IN GENERAL.—Section 327(f) of the Energy  
19                   Policy and Conservation Act (42 U.S.C. 6297(f)) is  
20                   amended to read as follows:

21                   “(f) EXCEPTION FOR CERTAIN BUILDING CODE RE-  
22                   QUIREMENTS.—

23                           “(1) IN GENERAL.—A regulation or other re-  
24                           quirement that is contained in a State or local build-  
25                           ing code for new construction concerning the energy

1 efficiency or energy use of a covered product is not  
2 superseded by this part if the regulation or other re-  
3 quirement concerning the energy efficiency or energy  
4 use of the covered product is more stringent than  
5 the corresponding Federal energy conservation  
6 standard.

7 “(2) NEW CONSTRUCTION.—For purposes of  
8 this subsection, the term ‘new construction’ in-  
9 cludes—

10 “(A) new buildings and their systems; and

11 “(B) new portions of buildings and their  
12 systems.”.

13 (2) CONFORMING AMENDMENTS.—Section 327  
14 of the Energy Policy and Conservation Act (42  
15 U.S.C. 6297) is amended—

16 (A) in subsection (b), by striking para-  
17 graph (3); and

18 (B) in subsection (c), by striking para-  
19 graph (3).

20 (3) ASHRAE PRODUCTS.—Section  
21 345(b)(2)(B) of the Energy Policy and Conservation  
22 Act (42 U.S.C. 6316(b)(2)(B)) is amended by strik-  
23 ing “new construction” and all that follows through  
24 the end and inserting “new construction.”.

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