

- SUBJECT:** Requiring energy efficiency standards for certain appliances
- COMMITTEE:** Energy Resources — committee substitute recommended
- VOTE:** 6 ayes — Keffer, Crabb, Farabee, Gonzalez Toureilles, Hardcastle, Strama
0 nays
3 absent — Crownover, Craddick, Rios Ybarra
- WITNESSES:** (*On original bill:*)
For — (*Registered, but did not testify:* Garrett Boone, Amy Maxwell Hunt, Texas Business for Clean Air; Rich Herweck, Texas Combined Heat and Power Initiative); (*On committee substitute:*) Matthew Johnson, Public Citizen; Luke Metzger, Environment Texas; Cyrus Reed, Lone Star Chapter, Sierra Club; Kate Robertson, Environmental Defense Fund

Against — None

On — Kevin Tucker, Aquatic Professionals Education Council; (*Registered, but did not testify:* Kathy Barber, Texas Retailers Association); (*On committee substitute:*) James Smith, IPSSA Texas Region 9
- BACKGROUND:** The 79th Legislature enacted HB 2129 by Bonnen, which directed the comptroller's State Energy Conservation Office to determine the feasibility and cost-benefit to consumers of setting appliance standards for appliances not currently regulated for energy efficiency. The recommendations outlined in the SECO's report were never implemented.
- DIGEST:** CSHB 2210 would amend the Health and Safety Code, subtitle c, title 5 to add a chapter relating to appliance efficiency standards that would apply to the following new products sold, offered for sale, or installed in this state:
- bottle-type water dispensers;
 - commercial hot food holding cabinets;
 - portable electric spas; and
 - residential pool pumps.

CSHB 2210 would exclude specifically certain products.

Minimum and increased efficiency standards for certain appliances.

The comptroller, in consultation with the State Energy Conservation Office (SECO), would be required to adopt rules establishing minimum efficiency standards for bottle-type water dispensers, commercial hot food holding cabinets, portable electric spas, and residential pool pumps by September 1, 2010.

If the federal law established an Energy Star Program efficiency standard for these appliances, state standards would be preempted by the federal law. The comptroller could apply for a waiver of federal preemption.

The comptroller could adopt rules to establish increased efficiency standards for these products. The comptroller, in consultation with SECO, would be required to prescribe increased efficiency standards if the comptroller determined that the standards would promote energy conservation in this state and would be cost-effective for consumers who purchased and used the product.

These standards would take effect on the first anniversary of the date the rule establishing the standard was adopted.

Bottle-type water dispensers. A bottle-type water dispenser designed for dispensing both hot and cold water could not have standby energy consumption greater than 1.2 kilowatt-hours per day.

Commercial hot food holding cabinets. A commercial hot food holding cabinet would have to have a maximum idle energy rate of no greater than 40 watts per cubic foot of interior volume.

Portable electric spas. A portable electric spa could not have a standby power greater than $5(V^{2/3})$ watts where V equals the fill volume in gallons.

Residential pool pump motors. A residential pool pump motor could not be a split-phase or capacitor start-induction run type motor except for the following:

- a two-speed motor with a low-speed section that is a capacitor start-induction run type; and

- a 48-frame motor designed for use with above-ground pools, portable spas, or whirlpool bathtubs.

A residential pool pump motor with a total horsepower capacity of one or more would have to:

- be capable of operating at more than one speed with a low speed having a rotation rate that is not more than one-half of the motor's maximum rotation rate; and
- be operated with a pump control capable of operating the pump at two or more speeds.

A pool pump motor control sold for use with a pool pump capable of operating at more than one speed would have to be capable of operating the pool pump at more than one speed. The pump's default circulation speed could not exceed one-half of the motor's maximum rotation rate.

A new residential pool pump that did not meet the efficiency standards could be sold in this state through December 31, 2011.

Product compliance. A new product could not be sold or offered for sale in this state unless the efficiency of the new product met or exceeded applicable efficiency standards.

Product testing. A manufacturer of these products would be required to test samples of the product. The comptroller, in consultation with SECO, by rule, would be required to adopt test procedures for determining a product's energy efficiency.

The comptroller would be required to adopt test methods approved by the United States Department of Energy or other appropriate nationally-recognized test methods. The comptroller could adopt revised test procedures when new versions of test procedures became available.

Product certification. The manufacturer of a new product subject to an efficiency standard would be required to certify to the comptroller that according to test results the product was in compliance with that standard.

The comptroller would be required to adopt rules governing the certification of products and would be required to coordinate certification

by this state with the certification programs of other states and federal agencies with similar standards.

Product labeling. The manufacturer of a new product subject to an efficiency standard would be required to identify compliance by means of a mark, label, or tag on the product and packaging.

The comptroller would be required to adopt rules governing the identification of products and packaging under this section.

Testing for efficiency standards compliance. The comptroller could test products for compliance with the applicable efficiency standards.

If a product tested was found not to be in compliance with the standards, the comptroller would be required to impose an assessment against the manufacturer in an amount sufficient to recover the costs of purchasing and testing the product and make information available to the public.

Inspections. The comptroller could have periodic inspections conducted to determine compliance by a distributor or retailer of new products subject to an efficiency standard.

Complaints. The comptroller would be required to investigate a complaint concerning a violation and would be required to report the results of the investigation to the attorney general for enforcement.

Violations and penalties. The comptroller would be required to issue a warning to a person for the person's first violation. A second and subsequent violations would be subject to a civil penalty of no more than \$250. Each violation would constitute a separate violation, and each day that a violation continued would constitute a separate violation. The comptroller could adopt additional rules necessary to ensure proper implementation and enforcement.

Emissions reductions. The Texas Commission on Environmental Quality would be required to work with the Energy Systems Laboratory at the Texas Engineering Experiment Station of the Texas A&M University System to ensure that the emissions reductions achieved by the efficiency standards were credited to the appropriate emissions reduction objectives in the state implementation plan.

Effective date. This bill would take effect September 1, 2009.

NOTES:

According to the fiscal note, the Energy Systems Laboratory indicates that to implement the requirements of the bill, they would need a one-time expenditure of \$51,522 in fiscal year 2010 out of the general revenue-dedicated Texas Emissions Reduction Plan Account No. 5071, for staff programming costs. They would also require \$73,719 in fiscal year 2010 and \$62,620 in fiscal year 2011 and beyond for staff time, travel expenses, and other operating costs.

The committee substitute differs from the bill as filed by:

- eliminating compact disc players and DVD players and recorders from the list of regulated appliances;
- removing the discretion of the comptroller to regulate additional appliances;
- removing a provision that would limit the hours that a two speed pump can be used on high; and
- adding a provision for pumps used for waterfalls and other non-pool features.

An omnibus air-quality bill, SB 16 by Averitt, which includes provisions similar to HB 2210, passed the Senate by 22-8 (Estes, Fraser, Huffman, Jackson, Nelson, Nichols, Patrick, Shapiro) on April 14 and was left pending in the House Environmental Regulation Committee on May 1.