AMENDMENT NO. Calendar No.

Purpose: To improve the energy efficiency of appliances, lighting, and buildings.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

S.1462

To promote clean energy technology development, enhanced energy efficiency, improved energy security, and energy innovation and workforce development, and for other purposes.

Referred to the Committee on ______ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

1 On page 228, strike lines 7 through 12 and insert

2 the following:

3 SEC. 233. ENERGY CONSERVATION STANDARDS.

4 (a) DEFINITION OF ENERGY CONSERVATION STAND5 ARD.—Section 321 of the Energy Policy and Conservation
6 Act (42 U.S.C. 6291) (as amended by section 225(a)) is
7 amended—
8 (1) by striking paragraph (6) and inserting the

8 (1) by striking paragraph (6) and inserting the9 following:

1	"(6) Energy conservation standard.—
2	"(A) IN GENERAL.—The term 'energy con-
3	servation standard' means 1 or more perform-
4	ance standards that—
5	"(i) for covered products (excluding
6	clothes washers, dishwashers, showerheads,
7	faucets, water closets, and urinals), pre-
8	scribe a minimum level of energy efficiency
9	or a maximum quantity of energy use, de-
10	termined in accordance with test proce-
11	dures prescribed under section 323;
12	"(ii) for showerheads, faucets, water
13	closets, and urinals, prescribe a minimum
14	level of water efficiency or a maximum
15	quantity of water use, determined in ac-
16	cordance with test procedures prescribed
17	under section 323; and
18	"(iii) for clothes washers and dish-
19	washers—
20	"(I) prescribe a minimum level of
21	energy efficiency or a maximum quan-
22	tity of energy use, determined in ac-
23	cordance with test procedures pre-
24	scribed under section 323; and

	J
1	"(II) include a minimum level of
2	water efficiency or a maximum quan-
3	tity of water use, determined in ac-
4	cordance with those test procedures.
5	"(B) INCLUSIONS.—The term 'energy con-
6	servation standard' includes—
7	"(i) 1 or more design requirements, if
8	the requirements were established—
9	"(I) on or before the date of en-
10	actment of this subclause;
11	"(II) as part of a direct final rule
12	under section $325(p)(4)$; or
13	"(III) as part of a final rule pub-
14	lished on or after January 1, 2012;
15	and
16	"(ii) any other requirements that the
17	Secretary may prescribe under section
18	325(r).
19	"(C) EXCLUSION.—The term 'energy con-
20	servation standard' does not include a perform-
21	ance standard for a component of a finished
22	covered product, unless regulation of the com-
23	ponent is specifically authorized or established
24	pursuant to this title."; and
25	(2) by adding at the end the following:

1	"(75) EER.—The term 'EER' means energy
2	efficiency ratio.
3	"(76) HSPF.—The term 'HSPF' means heat-
4	ing seasonal performance factor.".
5	(b) EER AND HSPF TEST PROCEDURES.—Section
6	323(b) of the Energy Policy and Conservation Act (42
7	U.S.C. 6293(b)) (as amended by section 224(c)) is amend-
8	ed by adding at the end the following:
9	"(20) EER AND HSPF TEST PROCEDURES.—
10	"(A) IN GENERAL.—Subject to subpara-
11	graph (B), for purposes of residential central
12	air conditioner and heat pump standards that
13	take effect on or before January 1, 2015—
14	"(i) the EER shall be tested at an
15	outdoor test temperature of 95 degrees
16	Fahrenheit; and
17	"(ii) the HSPF shall be calculated
18	based on Region IV conditions.
19	"(B) REVISIONS.—The Secretary may re-
20	vise the EER outdoor test temperature and the
21	conditions for HSPF calculations as part of any
22	rulemaking to revise the central air conditioner
23	and heat pump test method.".
24	(c) CENTRAL AIR CONDITIONERS AND HEAT
25	PUMPS.—Section 325(d) of the Energy Policy and Con-

servation Act (42 U.S.C. 6295(d)) is amended by adding
 at the end the following:

3	"(4) CENTRAL AIR CONDITIONERS AND HEAT
4	PUMPS (EXCEPT THROUGH-THE-WALL CENTRAL AIR
5	CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR
6	CONDITIONING HEAT PUMPS, AND SMALL DUCT,
7	HIGH VELOCITY SYSTEMS) MANUFACTURED ON OR
8	AFTER JANUARY 1, 2015.—
9	"(A) BASE NATIONAL STANDARDS.—
10	"(i) Seasonal energy efficiency
11	RATIO.—The seasonal energy efficiency
12	ratio of central air conditioners and central
13	air conditioning heat pumps manufactured
14	on or after January 1, 2015, shall not be
15	less than the following:
16	"(I) Split Systems: 13 for central
17	air conditioners and 14 for heat
18	pumps.
19	"(II) Single Package Systems:
20	14.
21	"(ii) Heating seasonal perform-
22	ANCE FACTOR.—The heating seasonal per-
22 23	ANCE FACTOR.—The heating seasonal per- formance factor of central air conditioning

1	uary 1, 2015, shall not be less than the
2	following:
3	"(I) Split Systems: 8.2.
4	"(II) Single Package Systems:
5	8.0.
6	"(B) Regional standards.—
7	"(i) Seasonal energy efficiency
8	RATIO.—The seasonal energy efficiency
9	ratio of central air conditioners and central
10	air conditioning heat pumps manufactured
11	on or after January 1, 2015, and installed
12	in States having historical average annual,
13	population weighted, heating degree days
14	less than 5,000 (specifically the States of
15	Alabama, Arizona, Arkansas, California,
16	Delaware, Florida, Georgia, Hawaii, Ken-
17	tucky, Louisiana, Maryland, Mississippi,
18	Nevada, New Mexico, North Carolina,
19	Oklahoma, South Carolina, Tennessee,
20	Texas, and Virginia) or in the District of
21	Columbia, the Commonwealth of Puerto
22	Rico, or any other territory or possession
23	of the United States shall not be less than
24	the following:

	i
1	"(I) Split Systems: 14 for central
2	air conditioners and 14 for heat
3	pumps.
4	"(II) Single Package Systems:
5	14.
6	"(ii) Energy efficiency ratio.—
7	The energy efficiency ratio of central air
8	conditioners (not including heat pumps)
9	manufactured on or after January 1, 2015,
10	and installed in the State of Arizona, Cali-
11	fornia, New Mexico, or Nevada shall be not
12	less than the following:
13	"(I) Split Systems: 12.2 for split
14	systems having a rated cooling capac-
15	ity less than 45,000 BTU per hour
16	and 11.7 for products having a rated
17	cooling capacity equal to or greater
18	than 45,000 BTU per hour.
19	"(II) Single Package Systems:
20	11.0.
21	"(iii) Application of subsection
22	(O)(6).—Subsection $(o)(6)$ shall apply to
23	the regional standards set forth in this
24	subparagraph.
25	"(C) Amendment of standards.—

	0
1	"(i) IN GENERAL.—Not later than
2	January 1, 2017, the Secretary shall pub-
3	lish a final rule to determine whether the
4	standards in effect for central air condi-
5	tioners and central air conditioning heat
6	pumps should be amended.
7	"(ii) Application.—The rule shall
8	provide that any amendments shall apply
9	to products manufactured on or after Jan-
10	uary 1, 2022.
11	"(D) Consideration of additional
12	PERFORMANCE STANDARDS OR EFFICIENCY
13	CRITERIA.—
14	"(i) FORUM.—Not later than 4 years
15	in advance of the expected publication date
16	of a final rule for central air conditioners
17	and heat pumps under subparagraph (C),
18	the Secretary shall convene and facilitate a
19	forum for interested persons that are fairly
20	representative of relevant points of view
21	(including representatives of manufactur-
22	ers of the covered product, States, and effi-
23	ciency advocates), as determined by the
24	Secretary, to consider adding additional

1

2

S.L.C.

9

performance standards or efficiency criteria in the forthcoming rule.

"(ii) RECOMMENDATION.—If, within 1 3 4 year of the initial convening of such a 5 forum, the Secretary receives a rec-6 ommendation submitted jointly by such 7 representative interested persons to add 1 8 or more performance standards or effi-9 ciency criteria, the Secretary shall incor-10 porate the performance standards or effi-11 ciency criteria in the rulemaking process, 12 and, if justified under the criteria estab-13 lished in this section, incorporate such per-14 formance standards or efficiency criteria in 15 the revised standard.

"(iii) NO RECOMMENDATION.-If no 16 17 such joint recommendation is made within 18 1 year of the initial convening of such a 19 forum, the Secretary may add additional 20 performance standards or efficiency cri-21 teria if the Secretary finds that the bene-22 fits substantially exceed the burdens of the 23 action.

24 "(E) NEW CONSTRUCTION LEVELS.—

	10
1	"(i) IN GENERAL.—As part of any
2	final rule concerning central air condi-
3	tioner and heat pump standards published
4	after June 1, 2013, the Secretary shall de-
5	termine if the building code levels specified
6	in section $327(f)(3)(C)$ should be amended
7	subject to meeting the criteria of sub-
8	section (o) when applied specifically to new
9	construction.
10	"(ii) Effective date.—Any amend-
11	ed levels shall not take effect before Janu-
12	ary 1, 2018.
13	"(iii) Amended levels.—The final
14	rule shall contain the amended levels, if
15	any.".
16	(d) Through-the-Wall Central Air Condi-
17	TIONERS, THROUGH-THE-WALL CENTRAL AIR CONDI-
18	TIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOC-
19	ITY SYSTEMS.—Section 325(d) of the Energy Policy and
20	Conservation Act (42 U.S.C. $6295(d)$) (as amended by
21	subsection (c)) is amended by adding at the end the fol-
22	lowing:
23	"(5) Standards for through-the-wall
24	CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL

S.L.C.

1	CENTRAL AIR CONDITIONING HEAT PUMPS, AND
2	SMALL DUCT, HIGH VELOCITY SYSTEMS.—
3	"(A) DEFINITIONS.—In this paragraph:
4	(i) SMALL DUCT, HIGH VELOCITY
5	SYSTEM.—The term 'small duct, high ve-
6	locity system' means a heating and cooling
7	product that contains a blower and indoor
8	coil combination that—
9	"(I) is designed for, and pro-
10	duces, at least 1.2 inches of external
11	static pressure when operated at the
12	certified air volume rate of 220–350
13	CFM per rated ton of cooling; and
14	"(II) when applied in the field,
15	uses high velocity room outlets gen-
16	erally greater than 1,000 fpm that
17	have less than 6.0 square inches of
18	free area.
19	"(ii) Through-the-wall central
20	AIR CONDITIONER; THROUGH-THE-WALL
21	CENTRAL AIR CONDITIONING HEAT
22	PUMP.—The terms 'through-the-wall cen-
23	tral air conditioner' and 'through-the-wall
24	central air conditioning heat pump' mean a
25	central air conditioner or heat pump, re-

	12
1	spectively, that is designed to be installed
2	totally or partially within a fixed-size open-
3	ing in an exterior wall, and—
4	"(I) is not weatherized;
5	"(II) is clearly and permanently
6	marked for installation only through
7	an exterior wall;
8	"(III) has a rated cooling capac-
9	ity no greater than 30,000 Btu/hr;
10	"(IV) exchanges all of its outdoor
11	air across a single surface of the
12	equipment cabinet; and
13	"(V) has a combined outdoor air
14	exchange area of less than 800 square
15	inches (split systems) or less than
16	1,210 square inches (single packaged
17	systems) as measured on the surface
18	area described in subclause (IV).
19	"(iii) REVISION.—The Secretary may
20	revise the definitions contained in this sub-
21	paragraph through publication of a final
22	rule.
23	"(B) RULEMAKING.—
24	"(i) IN GENERAL.—Not later than
25	June 30, 2011, the Secretary shall publish

S.L.C.

1	a final rule to determine whether stand-
2	ards for through-the-wall central air condi-
3	tioners, through-the-wall central air condi-
4	tioning heat pumps and small duct, high
5	velocity systems should be established or
6	amended.
7	"(ii) Application.—The rule shall
8	provide that any new or amended standard
9	shall apply to products manufactured on or
10	after June 30, 2016.".
11	(e) FURNACES.—Section 325(f) of the Energy Policy
12	and Conservation Act (42 U.S.C. 6295(f)) is amended by
13	adding at the end the following:
14	"(5) Non-weatherized furnaces (includ-
15	ING MOBILE HOME FURNACES, BUT NOT INCLUDING
16	BOILERS) MANUFACTURED ON OR AFTER MAY 1,
17	2013, AND WEATHERIZED FURNACES MANUFAC-
18	TURED ON OR AFTER JANUARY 1, 2015.—
19	"(A) BASE NATIONAL STANDARDS.—
20	"(i) Non-weatherized furnaces.—
21	The annual fuel utilization efficiency of
22	non-weatherized furnaces manufactured on
23	or after May 1, 2013, shall be not less
24	than the following:
25	"(I) Gas furnaces, 80 percent.

1	"(II) Oil furnaces, 83 percent.
2	"(ii) Weatherized furnaces.—The
3	annual fuel utilization efficiency of weath-
4	erized gas furnaces manufactured on or
5	after January 1, 2015, shall be not less
6	than 81 percent.
7	"(B) REGIONAL STANDARD.—
8	"(i) ANNUAL FUEL UTILIZATION EF-
9	FICIENCY.—The Secretary shall by May 1,
10	2011, establish a standard for the annual
11	fuel utilization efficiency of non-weather-
12	ized gas furnaces manufactured on or after
13	May 1, 2013, and installed in States hav-
14	ing historical average annual, population
15	weighted, heating degree days equal to or
16	greater than 5,000 (specifically the States
17	of Alaska, Colorado, Connecticut, Idaho,
18	Illinois, Indiana, Iowa, Kansas, Maine,
19	Massachusetts, Michigan, Minnesota, Mis-
20	souri, Montana, Nebraska, New Hamp-
21	shire, New Jersey, New York, North Da-
22	kota, Ohio, Oregon, Pennsylvania, Rhode
23	Island, South Dakota, Utah, Vermont,
24	Washington, West Virginia, Wisconsin, and
25	Wyoming).

1	
	"(ii) Application of subsection
2	(O)(6).—Subsection (o)(6) shall apply to
3	the regional standard set forth in this sub-
4	paragraph.
5	"(iii) SEPARATE STANDARDS.—The
5	Secretary may establish separate standards
7	for furnaces to be installed in newly con-
8	structed buildings and for replacement in
)	existing buildings.
)	"(C) Amendment of standards.—
1	"(i) Non-weatherized furnaces.—
2	"(I) IN GENERAL.—Not later
3	than January 1, 2014, the Secretary
4	shall publish a final rule to determine
5	whether the standards in effect for
5	non-weatherized furnaces should be
7	amended.
8	"(II) APPLICATION.—The rule
)	shall provide that any amendments
)	shall apply to products manufactured
1	on or after January 1, 2019.
	"(ii) Weatherized furnaces.——
2	"(I) IN GENERAL.—Not later
2 3	(1) IN GENERAL.—Not later
	than January 1, 2017, the Secretary
)	shall apply to products manufactur on or after January 1, 2019. "(ii) WEATHERIZED FURNACES.——

1	whether the standard in effect for
2	weatherized furnaces should be
3	amended.
4	"(II) Application.—The rule
5	shall provide that any amendments
6	shall apply to products manufactured
7	on or after January 1, 2022.
8	"(D) New construction levels.—
9	"(i) IN GENERAL.—As part of any
10	final rule concerning furnace standards
11	published after June 1, 2013, the Sec-
12	retary shall determine if the building code
13	levels specified in section $327(f)(3)(C)$
14	should be amended subject to meeting the
15	criteria of subsection (o) when applied spe-
16	cifically to new construction.
17	"(ii) Effective date.—Any amend-
18	ed levels shall not take effect before Janu-
19	ary 1, 2018.
20	"(iii) Amended levels.—The final
21	rule shall contain the amended levels, if
22	any.".
23	(f) Exception for Certain Building Code Re-
24	QUIREMENTS.—Section 327(f) of the Energy Policy and
25	Conservation Act (42 U.S.C. 6297(f)) is amended—

1	(1) in paragraph (3) , by striking subparagraphs
2	(B) through (F) and inserting the following:
3	"(B) The code does not contain a manda-
4	tory requirement that, under all code compli-
5	ance paths, requires that the covered product
6	have an energy efficiency exceeding 1 of the fol-
7	lowing levels:
8	"(i) The applicable energy conserva-
9	tion standard established in or prescribed
10	under section 325.
11	"(ii) The level required by a regula-
12	tion of the State for which the Secretary
13	has issued a rule granting a waiver under
14	subsection (d).
15	"(C) If the energy consumption or con-
16	servation objective in the code is determined
17	using covered products, including any baseline
18	building designs against which all submitted
19	building designs are to be evaluated, the objec-
20	tive is based on the use of covered products
21	having efficiencies not exceeding—
22	"(i) for residential furnaces, central
23	air conditioners, and heat pumps, effective
24	not earlier than January 1, 2013, and

1	until such time as a level takes effect for
2	the product under clause (ii)—
3	"(I) for the States described in
4	section 325(f)(5)(B)(i)—
5	"(aa) 92 percent AFUE for
6	gas furnaces; and
7	"(bb) 14 SEER for central
8	air conditioners (not including
9	heat pumps);
10	"(II) for the States and other lo-
11	calities described in section
12	325(d)(4)(B)(i) (except for the States
13	of Arizona, California, Nevada, and
14	New Mexico)—
15	"(aa) 90 percent AFUE for
16	gas furnaces; and
17	"(bb) 15 SEER for central
18	air conditioners;
19	"(III) for the States of Arizona,
20	California, Nevada, and New Mex-
21	ico—
22	"(aa) 92 percent AFUE for
23	gas furnaces;
24	"(bb) 15 SEER for central
25	air conditioners;

	10
1	"(cc) an EER of 12.5 for
2	air conditioners (not including
3	heat pumps) with cooling capac-
4	ity less than 45,000 Btu per
5	hour; and
6	"(dd) an EER of 12.0 for
7	air conditioners (not including
8	heat pumps) with cooling capac-
9	ity of 45,000 Btu per hour or
10	more; and
11	"(IV) for all States—
12	"(aa) 85 percent AFUE for
13	oil furnaces; and
14	"(bb) 15 SEER and 8.5
15	HSPF for heat pumps;
16	"(ii) the building code levels estab-
17	lished pursuant to section 325; or
18	"(iii) the applicable standards or lev-
19	els specified in subparagraph (B).
20	"(D) The credit to the energy consumption
21	or conservation objective allowed by the code for
22	installing a covered product having an energy
23	efficiency exceeding the applicable standard or
24	level specified in subparagraph (C) is on a 1-
25	for-1 equivalent energy use or equivalent energy

cost basis, which may take into account the typ ical lifetimes of the products and building fea tures, using lifetimes for covered products
 based on information published by the Depart ment of Energy or the American Society of
 Heating, Refrigerating and Air-Conditioning
 Engineers.

8 "(E) If the code sets forth 1 or more com-9 binations of items that meet the energy con-10 sumption or conservation objective, and if 1 or 11 more combinations specify an efficiency level for 12 a covered product that exceeds the applicable 13 standards and levels specified in subparagraph 14 (B)—

"(i) there is at least 1 combination
that includes such covered products having
efficiencies not exceeding 1 of the standards or levels specified in subparagraph
(B); and

20 "(ii) if 1 or more combinations of
21 items specify an efficiency level for a fur22 nace, central air conditioner, or heat pump
23 that exceeds the applicable standards and
24 levels specified in subparagraph (B), there
25 is at least 1 combination that the State

has found to be reasonably achievable
using commercially available technologies
that includes such products having effi-
ciencies at the applicable levels specified in
subparagraph (C), except that no combina-
tion need include a product having an effi-
ciency less than the level specified in sub-
paragraph (B)(ii).
"(F) The energy consumption or conserva-
tion objective is specified in terms of an esti-
mated total consumption of energy (which may
be specified in units of energy or its equivalent
cost).";
(2) in paragraph $(4)(B)$ —
(A) by inserting after "building code" the
first place it appears the following: "contains a
mandatory requirement that, under all code
compliance paths,"; and
compliance paths,"; and (B) by striking "unless the" and all that
(B) by striking "unless the" and all that
(B) by striking "unless the" and all that follows through "subsection (d)"; and
(B) by striking "unless the" and all that follows through "subsection (d)"; and(3) by adding at the end the following:

1	the replacement results in an increase in capacity
2	greater than—
3	"(A) 12,000 Btu per hour for residential
4	air conditioners and heat pumps; or
5	"(B) 20 percent for other covered prod-
6	ucts.".
7	SEC. 234. ENERGY CONSERVATION STANDARDS FOR HEAT
8	PUMP POOL HEATERS.
9	(a) DEFINITIONS.—
10	(1) EFFICIENCY DESCRIPTOR.—Section
11	321(22) of the Energy Policy and Conservation Act
12	(42 U.S.C. 6291(22)) is amended—
13	(A) in subparagraph (E), by inserting
14	"gas-fired" before "pool heaters"; and
15	(B) by adding at the end the following:
16	"(F) For heat pump pool heaters, coeffi-
17	cient of performance of heat pump pool heat-
18	ers.".
19	(2) COEFFICIENT OF PERFORMANCE OF HEAT
20	PUMP POOL HEATERS.—Section 321 of the Energy
21	Policy and Conservation Act (42 U.S.C. 6291)) is
22	amended by inserting after paragraph (25) the fol-
23	lowing:
24	"(25A) Coefficient of performance of
25	HEAT PUMP POOL HEATERS.—The term 'coefficient

S.L.C.

1	of performance of heat pump pool heaters' means
2	the ratio of the capacity to power input value ob-
3	tained at the following rating conditions: 50.0 °F db/
4	44.2 °F wb outdoor air and 80.0 °F entering water
5	temperatures, according to AHRI Standard 1160.".
6	(3) THERMAL EFFICIENCY OF GAS-FIRED POOL
7	HEATERS.—Section 321(26) of the Energy Policy
8	and Conservation Act $(42 \text{ U.S.C. } 6291(26))$ by in-
9	serting "gas-fired" before "pool heaters".
10	(b) Standards for Pool Heaters.—Section
11	325(e)(2) of the Energy Policy and Conservation Act (42)
12	U.S.C. 6295(e)(2)) is amended—
13	(1) by striking "(2) The thermal efficiency of
14	pool heaters" and inserting the following:
15	"(2) Pool heaters.—
16	"(A) GAS-FIRED POOL HEATERS.—The
17	thermal efficiency of gas-fired pool heaters";
18	and
19	(2) by adding at the end the following:
20	"(B) HEAT PUMP POOL HEATERS.—Heat
21	pump pool heaters manufactured on or after
22	the date of enactment of this subparagraph
23	shall have a minimum coefficient of perform-
24	ance of 4.0.".

1	SEC. 235. EFFICIENCY STANDARDS FOR BOTTLE-TYPE
2	WATER DISPENSERS, COMMERCIAL HOT
3	FOOD HOLDING CABINETS, AND PORTABLE
4	ELECTRIC SPAS.
5	(a) DEFINITIONS.—Section 321 of the Energy Policy
6	and Conservation Act (42 U.S.C. 6291) (as amended by
7	section $233(a)(2)$) is amended by adding at the end the
8	following:
9	"(77) Bottle-type water dispenser.—The
10	term 'bottle-type water dispenser' means a drinking
11	water dispenser that is—
12	"(A) designed for dispensing hot and cold
13	water; and
14	"(B) uses a removable bottle or container
15	as the source of potable water.
16	"(78) Commercial hot food holding cabi-
17	NET.—
18	"(A) IN GENERAL.—The term 'commercial
19	hot food holding cabinet' means a heated, fully-
20	enclosed compartment that—
21	"(i) is designed to maintain the tem-
22	perature of hot food that has been cooked
23	in a separate appliance;
24	"(ii) has 1 or more solid or glass
25	doors; and

S.L.C.

1	"(iii) has an interior volume of 8
2	cubic feet or more.
3	"(B) EXCLUSIONS.—The term 'commercial
4	hot food holding cabinet' does not include—
5	"(i) a heated glass merchandising cab-
6	inet;
7	"(ii) a drawer warmer;
8	"(iii) a cook-and-hold appliance; or
9	"(iv) a mobile serving cart with both
10	hot and cold compartments.
11	"(79) Compartment bottle-type water
12	DISPENSER.—The term 'compartment bottle-type
13	water dispenser' means a drinking water dispenser
14	that—
15	"(A) is designed for dispensing hot and
16	cold water;
17	"(B) uses a removable bottle or container
18	as the source of potable water; and
19	"(C) includes a refrigerated compartment
20	with or without provisions for making ice.
21	"(80) Portable electric spa.—
22	"(A) IN GENERAL.—The term 'portable
23	electric spa' means a factory-built electric spa
24	or hot tub that—

1	"(i) is intended for the immersion of
2	persons in heated water circulated in a
3	closed system; and
4	"(ii) is not intended to be drained and
5	filled with each use.
6	"(B) INCLUSIONS.—The term 'portable
7	electric spa' includes—
8	"(i) a filter;
9	"(ii) a heater (including an electric,
10	solar, or gas heater);
11	"(iii) a pump;
12	"(iv) a control; and
13	"(v) other equipment, such as a light,
14	a blower, and water sanitizing equipment.
15	"(C) EXCLUSIONS.—The term 'portable
16	electric spa' does not include—
17	"(i) a permanently installed spa that,
18	once installed, cannot be moved; or
19	"(ii) a spa that is specifically designed
20	and exclusively marketed for medical treat-
21	ment or physical therapy purposes.
22	"(81) WATER DISPENSER.—The term 'water
23	dispenser' means a factory-made assembly that—
24	"(A) mechanically cools and heats potable
25	water; and

1	"(B) dispenses the cooled or heated water
2	by integral or remote means.".
3	(b) COVERAGE.—Section 322(a) of the Energy Policy
4	and Conservation Act (42 U.S.C. 6292(a)) (as amended
5	by section 224(b)(1)) is amended—
6	(1) by redesignating paragraph (21) as para-
7	graph (24) ; and
8	(2) by inserting after paragraph (20) the fol-
9	lowing:
10	"(21) Bottle-type water dispensers and com-
11	partment bottle-type water dispensers.
12	"(22) Commercial hot food holding cabinets.
13	"(23) Portable electric spas.".
14	(c) Test Procedures.—Section 323(b) of the En-
15	ergy Policy and Conservation Act (42 U.S.C. 6293(b)) (as
16	amended by section 233(b)) is amended by adding at the
17	end the following:
18	"(21) Bottle-type water dispensers.—
19	"(A) IN GENERAL.—Test procedures for
20	bottle-type water dispensers and compartment
21	bottle-type water dispensers shall be based on
22	the document 'Energy Star Program Require-
23	ments for Bottled Water Coolers version 1.1'
24	published by the Environmental Protection
25	Agency.

1	"(B) INTEGRAL, AUTOMATIC TIMERS.—A
2	unit with an integral, automatic timer shall not
3	be tested under this paragraph using section
4	4D of the test criteria (relating to Timer
5	Usage).
6	"(22) Commercial hot food holding cabi-
7	NETS.—
8	"(A) IN GENERAL.—Test procedures for
9	commercial hot food holding cabinets shall be
10	based on the test procedures described in
11	ANSI/ASTM F2140–01 (Test for idle energy
12	rate-dry test).
13	"(B) INTERIOR VOLUME.—Interior volume
14	shall be based under this paragraph on the
15	method demonstrated in the document 'Energy
16	Star Program Requirements for Commercial
17	Hot Food Holding Cabinets' of the Environ-
18	mental Protection Agency, as in effect on Au-
19	gust 15, 2003.
20	"(23) Portable electric spas.—
21	"(A) IN GENERAL.—Test procedures for
22	portable electric spas shall be based on the test
23	method for portable electric spas described in
24	section 1604 of title 20, California Code of
25	Regulations, as amended on December 3, 2008.

1	"(B) NORMALIZED CONSUMPTION.—Con-
2	sumption shall be normalized under this para-
3	graph for a water temperature difference of 37
4	degrees Fahrenheit.
5	"(C) ANSI TEST PROCEDURE.—If the
6	American National Standards Institute pub-
7	lishes a test procedure for portable electric
8	spas, the Secretary shall revise the procedure
9	established under this paragraph, as determined
10	appropriate by the Secretary.".
11	(d) Standards.—Section 325 of the Energy Policy
12	and Conservation Act (42 U.S.C. 6295) (as amended by
13	sections 224(d) and 225(b)) is amended—
14	(1) by redesignating subsection (kk) as sub-
15	section (oo); and
16	(2) by inserting after subsection (jj) the fol-
17	lowing:
18	"(kk) Bottle-Type Water Dispensers.—Effec-
19	tive beginning January 1, 2012—
20	((1) a bottle-type water dispenser shall not
21	have standby energy consumption that is greater
22	than 1.2 kilowatt-hours per day; and
23	((2) a compartment bottle-type water dispenser
24	shall not have standby energy consumption that is
25	greater than 1.3 kilowatt-hours per day.

1	"(11) Commercial Hot Food Holding Cabi-
2	NETS.—Effective beginning January 1, 2012, a commer-
3	cial hot food holding cabinet shall have a maximum idle
4	energy rate of 40 watts per cubic foot of interior volume.
5	"(mm) PORTABLE ELECTRIC SPAS.—Effective begin-
6	ning January 1, 2012, a portable electric spa shall not
7	have a normalized standby power rate of greater than 5
8	(V ² / ₃) Watts (in which 'V' equals the fill volume (in gal-
9	lons)).
10	"(nn) Revisions.—
11	"(1) IN GENERAL.—Not later than January 1,
12	2013, the Secretary shall—
13	"(A) consider in accordance with sub-
14	section (o) revisions to the standards estab-
15	lished under subsections (kk), (ll), and (mm);
16	and
17	"(B)(i) publish a final rule establishing the
18	revised standards; or
19	"(ii) make a finding that no revisions are
20	technically feasible and economically justified.
21	"(2) Effective date.—Any revised standards
22	under this subsection take effect on January 1,
23	2016.".
24	(e) Preemption.—Section 327 of the Energy Policy
25	and Conservation Act (42 U.S.C. 6297) is amended—

1	(1) in subsection (b)—
2	(A) in paragraph (6), by striking "or"
3	after the semicolon at the end;
4	(B) in paragraph (7), by striking the pe-
5	riod at the end and inserting "; or"; and
6	(C) by adding at the end the following:
7	"(8) is a regulation that—
8	"(A) establishes efficiency standards for
9	bottle-type water dispensers, compartment bot-
10	tle-type water dispensers, commercial hot food
11	holding cabinets, or portable electric spas; and
12	"(B) is in effect on or before the date of
13	enactment of this paragraph."; and
14	(2) in subsection (c)—
15	(A) in paragraph (8)(B), by striking "and"
16	after the semicolon at the end;
17	(B) in paragraph (9)—
18	(i) by striking "except that—" and all
19	that follows through "if the Secretary" and
20	inserting "except that if the Secretary";
21	(ii) by redesignating clauses (i) and
22	(ii) as subparagraphs (A) and (B), respec-
23	tively, and indenting appropriately; and

S.L.C.

1	(iii) in subparagraph (B) (as so redes-
2	ignated), by striking the period at the end
3	and inserting "; or"; and
4	(C) by adding at the end the following:
5	"(10) is a regulation that—
6	"(A) establishes efficiency standards for
7	bottle-type water dispensers, compartment bot-
8	tle-type water dispensers, commercial hot food
9	holding cabinets, or portable electric spas; and
10	"(B) is adopted by the California Energy
11	Commission on or before January 1, 2013.".
12	SEC. 236. UNIFORM EFFICIENCY DESCRIPTOR FOR COV-
13	ERED WATER HEATERS.
13 14	ERED WATER HEATERS. Section 325(e) of the Energy Policy and Conservation
14	Section 325(e) of the Energy Policy and Conservation
14 15	Section 325(e) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)) is amended by adding at the end
14 15 16	Section 325(e) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)) is amended by adding at the end the following:
14 15 16 17	Section 325(e) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)) is amended by adding at the end the following: "(5) UNIFORM EFFICIENCY DESCRIPTOR FOR
14 15 16 17 18	Section 325(e) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)) is amended by adding at the end the following: "(5) UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.—
14 15 16 17 18 19	Section 325(e) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)) is amended by adding at the end the following: "(5) UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.— "(A) DEFINITIONS.—In this paragraph:
14 15 16 17 18 19 20	Section 325(e) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)) is amended by adding at the end the following: "(5) UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.— "(A) DEFINITIONS.—In this paragraph: "(i) COVERED WATER HEATER.—The
 14 15 16 17 18 19 20 21 	Section 325(e) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)) is amended by adding at the end the following: "(5) UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.— "(A) DEFINITIONS.—In this paragraph: "(i) COVERED WATER HEATER.—The term 'covered water heater' means—

S.L.C.

1	water storage tank (as defined in sec-
2	tion 340).
3	"(ii) FINAL RULE.—The term 'final
4	rule' means the final rule published under
5	this paragraph.
6	"(B) Publication of final rule.—Not
7	later than 180 days after the date of enactment
8	of this paragraph, the Secretary shall publish a
9	final rule that establishes a uniform efficiency
10	descriptor and accompanying test methods for
11	covered water heaters.
12	"(C) PURPOSE.—The purpose of the final
13	rule shall be to replace with a uniform effi-
14	ciency descriptor—
15	"(i) the energy factor descriptor for
16	water heaters established under this sub-
17	section; and
18	"(ii) the thermal efficiency and stand-
19	by loss descriptors for storage water heat-
20	ers, instantaneous water heaters, and
21	unfired water storage tanks established
22	under section $342(a)(5)$.
23	"(D) Effect of final rule.—
24	"(i) IN GENERAL.—Notwithstanding
25	any other provision of this title, effective

1	beginning on the effective date of the final
2	rule, the efficiency standard for covered
3	water heaters shall be denominated accord-
4	ing to the efficiency descriptor established
5	by the final rule.
6	"(ii) Effective date.—The final
7	rule shall take effect 1 year after the date
8	of publication of the final rule under sub-
9	paragraph (B).
10	"(E) Conversion factor.—
11	"(i) IN GENERAL.—The Secretary
12	shall develop a mathematical conversion
13	factor for converting the measurement of
14	efficiency for covered water heaters from
15	the test procedures in effect on the date of
16	enactment of this paragraph to the new
17	energy descriptor established under the
18	final rule.
19	"(ii) Application.—The conversion
20	factor shall apply to models of covered
21	water heaters affected by the final rule and
22	tested prior to the effective date of the
23	final rule.
24	"(iii) Effect on efficiency re-
25	QUIREMENTS.—The conversion factor shall

S.L.C.

	55
1	not affect the minimum efficiency require-
2	ments for covered water heaters otherwise
3	established under this title.
4	"(iv) USE.—During the period de-
5	scribed in clause (v), a manufacturer may
6	apply the conversion factor established by
7	the Secretary to rerate existing models of
8	covered water heaters that are in existence
9	prior to the effective date of the rule de-
10	scribed in clause (v)(II) to comply with the
11	new efficiency descriptor.
12	"(v) Period.—Subclause (E) shall
13	apply during the period—
14	"(I) beginning on the date of
15	publication of the conversion factor in
16	the Federal Register; and
17	"(II) ending on April 16, 2015.
18	"(F) EXCLUSIONS.—The final rule may
19	exclude a specific category of covered water
20	heaters from the uniform efficiency descriptor
21	established under this paragraph if the Sec-
22	retary determines that the category of water
23	heaters—

S.L.C.

1	"(i) does not have a residential use
2	and can be clearly described in the final
3	rule; and
4	"(ii) are effectively rated using the
5	thermal efficiency and standby loss
6	descriptors applied (as of the date of en-
7	actment of this paragraph) to the category
8	under section $342(a)(5)$.
9	"(G) Options.—The descriptor set by the
10	final rule may be—
11	"(i) a revised version of the energy
12	factor descriptor in use as of the date of
13	enactment of this paragraph;
14	"(ii) the thermal efficiency and stand-
15	by loss descriptors in use as of that date;
16	"(iii) a revised version of the thermal
17	efficiency and standby loss descriptors;
18	"(iv) a hybrid of descriptors; or
19	"(v) a new approach.
20	"(H) Application.—The efficiency
21	descriptor and accompanying test method estab-
22	lished under the final rule shall apply, to the
23	maximum extent practicable, to all water heat-
24	ing technologies in use as of the date of enact-

1	ment of this paragraph and to future water
2	heating technologies.
3	"(I) PARTICIPATION.—The Secretary shall
4	invite interested stakeholders to participate in
5	the rulemaking process used to establish the
6	final rule.
7	"(J) TESTING OF ALTERNATIVE
8	DESCRIPTORS.—In establishing the final rule,
9	the Secretary shall contract with the National
10	Institute of Standards and Technology, as nec-
11	essary, to conduct testing and simulation of al-
12	ternative descriptors identified for consider-
13	ation.
14	"(K) EXISTING COVERED WATER HEAT-
15	ERS.—A covered water heater shall be consid-
16	ered to comply with the final rule on and after
17	the effective date of the final rule and with any
18	revised labeling requirements established by the
19	Federal Trade Commission to carry out the
20	final rule if the covered water heater—
21	"(i) was manufactured prior to the ef-
22	fective date of the final rule; and
23	"(ii) complied with the efficiency
24	standards and labeling requirements in ef-
25	fect prior to the final rule.".

1	SEC. 237. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL
2	POWER SUPPLIES.
3	Section $325(u)(3)$ of the Energy Policy and Con-
4	servation Act (42 U.S.C. 6295(u)(3)) is amended—
5	(1) in subparagraph (A), by striking "(D)" and
6	inserting "(E)"; and
7	(2) by adding at the end the following:
8	"(E) Nonapplication of no-load mode
9	ENERGY EFFICIENCY STANDARDS TO EXTERNAL
10	POWER SUPPLIES FOR CERTAIN SECURITY OR
11	LIFE SAFETY ALARMS OR SURVEILLANCE SYS-
12	TEMS.—
13	"(i) DEFINITION OF SECURITY OR
14	LIFE SAFETY ALARM OR SURVEILLANCE
15	SYSTEM.—In this subparagraph:
16	"(I) IN GENERAL.—The term 'se-
17	curity or life safety alarm or surveil-
18	lance system' means equipment de-
19	signed and marketed to perform any
20	of the following functions (on a con-
21	tinuous basis):
22	"(aa) Monitor, detect,
23	record, or provide notification of
24	intrusion or access to real prop-
25	erty or physical assets or notifi-
26	cation of threats to life safety.

1	"(bb) Deter or control ac-
2	cess to real property or physical
3	assets, or prevent the unauthor-
4	ized removal of physical assets.
5	"(cc) Monitor, detect,
6	record, or provide notification of
7	fire, gas, smoke, flooding, or
8	other physical threats to real
9	property, physical assets, or life
10	safety.
11	"(II) EXCLUSION.—The term 'se-
12	curity or life safety alarm or surveil-
13	lance system' does not include any
14	product with a principal function
15	other than life safety, security, or sur-
16	veillance that—
17	"(aa) is designed and mar-
18	keted with a built-in alarm or
19	theft-deterrent feature; or
20	"(bb) does not operate nec-
21	essarily and continuously in ac-
22	tive mode.
23	"(ii) NONAPPLICATION OF NO-LOAD
24	MODE REQUIREMENTS.—The No-Load
25	Mode energy efficiency standards estab-

1	lished by this paragraph shall not apply to
2	an external power supply manufactured be-
3	fore July 1, 2017, that—
4	"(I) is an AC-to-AC external
5	power supply;
6	"(II) has a nameplate output of
7	20 watts or more;
8	"(III) is certified to the Sec-
9	retary as being designed to be con-
10	nected to a security or life safety
11	alarm or surveillance system compo-
12	nent; and
13	"(IV) on establishment within
14	the External Power Supply Inter-
15	national Efficiency Marking Protocol,
16	as referenced in the 'Energy Star Pro-
17	gram Requirements for Single Voltage
18	External Ac–Dc and Ac–Ac Power
19	Supplies', published by the Environ-
20	mental Protection Agency, of a distin-
21	guishing mark for products described
22	in this clause, is permanently marked
23	with the distinguishing mark.

1	"(iii) Administration.—In carrying
2	out this subparagraph, the Secretary
3	shall—
4	"(I) require, with appropriate
5	safeguard for the protection of con-
6	fidential business information, the
7	submission of unit shipment data on
8	an annual basis; and
9	"(II) restrict the eligibility of ex-
10	ternal power supplies for the exemp-
11	tion provided under this subparagraph
12	on a finding that a substantial num-
13	ber of the external power supplies are
14	being marketed to or installed in ap-
15	plications other than security or life
16	safety alarm or surveillance systems.".
17	SEC. 238. PROHIBITED ACTS.
18	Section 332(a) of the Energy Policy and Conserva-
19	tion Act (42 U.S.C. 6302(a)) is amended—
20	(1) in paragraph (1), by striking "for any man-
21	ufacturer or private labeler to distribute" and insert-
22	ing "for any manufacturer (or representative of a
23	manufacturer), distributor, retailer, or private label-
24	er to offer for sale or distribute";

1	(2) by striking paragraph (5) and inserting the
2	following:
3	"(5) for any manufacturer (or representative of
4	a manufacturer), distributor, retailer, or private la-
5	beler—
6	"(A) to offer for sale or distribute in com-
7	merce any new covered product that is not in
8	conformity with an applicable energy conserva-
9	tion standard established in or prescribed under
10	this part; or
11	"(B) if the standard is a regional standard
12	that is more stringent than the base national
13	standard, to offer for sale or distribute in com-
14	merce any new covered product having knowl-
15	edge (consistent with the definition of 'know-
16	ingly' in section 333(b)) that the product will
17	be installed at a location covered by a regional
18	standard established in or prescribed under this
19	part and will not be in conformity with the
20	standard;";
21	(3) in paragraph (6) (as added by section
22	306(b)(2) of Public Law 110–140 (121 Stat.
23	1559)), by striking the period at the end and insert-
24	ing "; and";

	10
1	(4) by redesignating paragraph (6) (as added
2	by section $321(e)(3)$ of Public Law $110-140$ (121
3	Stat. (1586)) as paragraph (7); and
4	(5) in paragraph (7) (as so redesignated), by
5	striking "for any manufacturer, distributor, retailer,
6	or private labeler to distribute" and inserting "for
7	any manufacturer (or representative of a manufac-
8	turer), distributor, retailer, or private labeler to offer
9	for sale or distribute".
10	SEC. 239. OUTDOOR LIGHTING.
11	(a) DEFINITIONS.—
12	(1) COVERED EQUIPMENT.—Section $340(1)$ of
13	the Energy Policy and Conservation Act (42 U.S.C.
14	6311(1)) is amended—
15	(A) by redesignating subparagraph (L) as
16	subparagraph (O); and
17	(B) by inserting after subparagraph (K)
18	the following:
19	"(L) Pole-mounted outdoor luminaires.
20	"(M) High light output double-ended
21	quartz halogen lamps.
22	"(N) General purpose mercury vapor
23	lamps.".

1	(2) INDUSTRIAL EQUIPMENT.—Section
2	340(2)(B) of the Energy Policy and Conservation
3	Act (42 U.S.C. 6311(2)(B)) is amended—
4	(A) by striking "and" before "unfired hot
5	water"; and
6	(B) by inserting after "tanks" the fol-
7	lowing: ", pole-mounted outdoor luminaires,
8	high light output double-ended quartz halogen
9	lamps, and general purpose mercury vapor
10	lamps''.
11	(3) New Definitions.—Section 340 of the
12	Energy Policy and Conservation Act (42 U.S.C.
13	6311) is amended—
14	(A) by redesignating paragraphs (22) and
15	(23) (as amended by sections $312(a)(2)$ and
16	314(a) of the Energy Independence and Secu-
17	rity Act of 2007 (121 Stat. 1564, 1569)) as
18	paragraphs (23) and (24), respectively; and
19	(B) by adding at the end the following:
20	"(25) Area luminaire.—The term 'area lumi-
21	naire' means a luminaire intended for lighting park-
22	ing lots and general areas that—
23	"(A) is designed to mount on a pole using

1	"(B) has an opaque top or sides, but may
2	contain a transmissive ornamental element;
3	"(C) has an optical aperture that is open
4	or enclosed with a flat, sag, or drop lens;
5	"(D) is mounted in a fixed position with
6	the optical aperture near horizontal, or tilted
7	up; and
8	"(E) has photometric output measured
9	using Type C photometry per IESNA LM-75-
10	01.
11	"(26) Decorative posttop luminaire.—The
12	term 'decorative posttop luminaire' means a lumi-
13	naire with—
14	"(A) open or transmissive sides that is de-
15	signed to be mounted directly over a pole using
16	a vertical tenon or by fitting the luminaire di-
17	rectly into the pole; and
18	"(B) photometric output measured using
19	Type C photometry per IESNA LM-75-01.
20	"(27) DUSK-TO-DAWN LUMINAIRE.—The term
21	'dusk-to-dawn luminaire' means a fluorescent, induc-
22	tion, or high intensity discharge luminaire that—
23	"(A) is designed to be mounted on a hori-
24	zontal or horizontally slanted tenon or arm;

	40
1	"(B) has an optical assembly that is co-
2	axial with the axis of symmetry of the light
3	source;
4	"(C) has an optical assembly that is—
5	"(i) a reflector or lamp enclosure that
6	surrounds the light source with an open
7	lower aperture; or
8	"(ii) a refractive optical assembly sur-
9	rounding the light source with an open or
10	closed lower aperture;
11	"(D) contains a receptacle for a
12	photocontrol that enables the operation of the
13	light source and is either coaxial with both the
14	axis of symmetry of the light source and the op-
15	tical assembly or offset toward the mounting
16	bracket by less than 3 inches, or contains an in-
17	tegral photocontrol; and
18	"(E) has photometric output measured
19	using Type C photometry per IESNA LM-75-
20	01.
21	"(28) FLOODLIGHT LUMINAIRE.—The term
22	'floodlight luminaire' means an outdoor luminaire
23	designed with a yoke, knuckle, or other mechanism
24	allowing the luminaire to be aimed 40 degrees or
25	more with its photometric distributions established

1	with only Type B photometry in accordance with
2	IESNA LM–75, revised 2001.
3	"(29) GENERAL PURPOSE MERCURY VAPOR
4	LAMP.—The term 'general purpose mercury vapor
5	lamp' means a mercury vapor lamp (as defined in
6	section 321) that—
7	"(A) has a screw base;
8	"(B) is designed for use in general lighting
9	applications (as defined in section 321);
10	"(C) is not a specialty application mercury
11	vapor lamp; and
12	"(D) is designed to operate on a mercury
13	vapor lamp ballast (as defined in section 321)
14	or is a self- ballasted lamp.
15	"(30) High light output double-ended
16	QUARTZ HALOGEN LAMP.—The term 'high light out-
17	put double-ended quartz halogen lamp' means a
18	lamp that—
19	"(A) is designed for general outdoor light-
20	ing purposes;
21	"(B) contains a tungsten filament;
22	"(C) has a rated initial lumen value of
23	greater than $6,000$ and less than $40,000$
24	lumens;

1	"(D) has at each end a recessed single
2	contact, R7s base;
3	"(E) has a maximum overall length (MOL)
4	between 4 and 11 inches;
5	"(F) has a nominal diameter less than $^{3/4}$
6	inch (T6);
7	"(G) is designed to be operated at a volt-
8	age not less than 110 volts and not greater
9	than 200 volts or is designed to be operated at
10	a voltage between 235 volts and 300 volts;
11	"(H) is not a tubular quartz infrared heat
12	lamp; and
13	"(I) is not a lamp marked and marketed
14	as a Stage and Studio lamp with a rated life of
15	500 hours or less.
16	"(31) Mean rated lamp lumens.—The term
17	'mean rated lamp lumens' means the rated lumens
18	at—
19	"(A) 40 percent of rated lamp life for
20	metal halide, induction, and fluorescent lamps;
21	OP
22	"(B) 50 percent of rated lamp life for high
23	pressure sodium lamps.
24	"(32) Outdoor luminaire.—The term 'out-
25	door luminaire' means a luminaire that—

S.L.C.

	10
1	"(A) is intended for outdoor use and suit-
2	able for wet locations; and
3	"(B) may be shipped with or without a
4	lamp.
5	"(33) Pole-mounted outdoor luminaire.—
6	"(A) IN GENERAL.—The term 'pole-mount-
7	ed outdoor luminaire' means an outdoor lumi-
8	naire that is designed to be mounted on an out-
9	door pole and is—
10	"(i) an area luminaire;
11	"(ii) a roadway and highmast lumi-
12	naire;
13	"(iii) a decorative posttop luminaire;
14	or
15	"(iv) a dusk-to-dawn luminaire.
16	"(B) EXCLUSIONS.—The term 'pole-
17	mounted outdoor luminaire' does not include—
18	"(i) a portable luminaire designed for
19	use at construction sites;
20	"(ii) a luminaire designed to be used
21	in emergency conditions that—
22	"(I) incorporates a means of
23	storing energy and a device to switch
24	the stored energy supply to emergency

S.L.C.

50
lighting loads automatically on failure
of the normal power supply; and
"(II) is listed and labeled as
Emergency Lighting Equipment;
"(iii) a decorative gas lighting system;
"(iv) a luminaire designed explicitly
for lighting for theatrical purposes, includ-
ing performance, stage, film production,
and video production;
"(v) a luminaire designed as theme
elements in theme or amusement parks
and that cannot be used in most general
lighting applications;
"(vi) a luminaire designed explicitly
for hazardous locations meeting the re-
quirements of Underwriters Laboratories
Standard 844—2006, 'Luminaires for Use
in Hazardous (Classified) Locations';
"(vii) a residential pole-mounted lumi-
naire that is not rated for commercial use
utilizing 1 or more lamps meeting the en-
ergy conservation standards established
under section 325(i) and mounted on a
post or pole not taller than 10.5 feet above

	01
1	ground and not rated for a power draw of
2	more than 145 watts;
3	"(viii) a floodlight luminaire;
4	"(ix) an outdoor luminaire designed
5	for sports and recreational area use in ac-
6	cordance with IESNA RP-6 and utilizing
7	an 875 watt or greater metal halide lamp;
8	"(x) a decorative posttop luminaire
9	designed for using high intensity discharge
10	lamps with total lamp wattage of 150 or
11	less, or designed for using other lamp
12	types with total lamp wattage of 50 watts
13	or less;
14	"(xi) an area luminaire, roadway and
15	highmast luminaire, or dusk-to-dawn lumi-
16	naire designed for using high intensity dis-
17	charge lamps or pin-based compact fluores-
18	cent lamps with total lamp wattage of 100
19	or less, or other lamp types with total lamp
20	wattage of 50 watts or less; and
21	"(xii) an area luminaire, roadway and
22	highmast luminaire, or dusk-to-dawn lumi-
23	naire with a backlight rating less than 2
24	and with the maximum of the uplight or
25	glare rating 3 or less.

	51
1	"(34) Roadway and highmast luminaire.—
2	The term 'roadway and highmast luminaire' means
3	a luminaire intended for lighting streets and road-
4	ways that—
5	"(A) is designed to mount on a pole by
6	clamping onto the exterior of a horizontal or
7	horizontally slanted, circular cross-section pipe
8	tenon;
9	"(B) has opaque tops or sides;
10	"(C) has an optical aperture that is open
11	or enclosed with a flat, sag or drop lens;
12	"(D) is mounted in a fixed position with
13	the optical aperture near horizontal, or tilted
14	up; and
15	"(E) has photometric output measured
16	using Type C photometry per IESNA LM-75-
17	01.
18	"(35) Specialty application mercury
19	VAPOR LAMP.—The term 'specialty application mer-
20	cury vapor lamp' means a mercury vapor lamp (as
21	defined in section 321) that is—
22	"(A) designed only to operate on a spe-
23	cialty application mercury vapor lamp ballast
24	(as defined in section 321); and

1	"(B) is marked and marketed for specialty
2	applications only.
3	"(36) TARGET EFFICACY RATING.—The term
4	'target efficacy rating' means a measure of luminous
5	efficacy of a luminaire (as defined in NEMA LE–6–
6	2009).
7	"(37) TUBULAR QUARTZ INFRARED HEAT
8	LAMP.—The term 'tubular quartz infrared heat
9	lamp' means a double-ended quartz halogen lamp
10	that—
11	"(A) is marked and marketed as an infra-
12	red heat lamp; and
13	"(B) radiates predominately in the infra-
14	red radiation range and in which the visible ra-
15	diation is not of principle interest.".
16	(b) STANDARDS.—Section 342 of the Energy Policy
17	and Conservation Act (42 U.S.C. 6313) is amended by
18	adding at the end the following:
19	"(g) Pole-Mounted Outdoor Luminaires.—
20	"(1) TARGET EFFICACY RATING, LUMEN MAIN-
21	TENANCE AND POWER FACTOR REQUIREMENTS.—
22	"(A) DEFINITION OF MAXIMUM OF
23	UPLIGHT OR GLARE RATINGIn this para-
24	graph, the term 'maximum of uplight or glare
25	rating' means, for any specific outdoor lumi-

1	naire, the higher of the uplight rating or glare
2	rating of the luminaire.
3	"(B) REQUIREMENTS.—Each pole-mount-
4	ed outdoor luminaire manufactured on or after
5	the date that is 3 years after the date of enact-
6	ment of this subsection shall—
7	"(i) meet or exceed the target efficacy
8	ratings in the following table when tested
9	at full system input watts:

	Maximum	of Uplight or Gla	are rating
Backlight 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

"Area, Roadway or Highmast luminaires

"Decorative Posttop or Dusk-to-Dawn luminaires

	Maximum of Uplight or Glare rating		
Backlight 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;

10"(ii) use lamps that have a minimum11of 0.6 lumen maintenance, as determined12in accordance with IESNA LM-80 for13Solid State Lighting sources or calculated14as mean rated lamp lumens divided by ini-15tial rated lamp lumens for other light16sources; and

S.L.C.

1	"(iii) have a power factor equal to or
2	greater than 0.9 at ballast full power, ex-
3	cept in the case of pole-mounted outdoor
4	luminaires designed for using high inten-
5	sity discharge lamps with a total rated
6	lamp wattage of 150 watts or less, which
7	shall have no power factor requirement.
8	"(2) Control requirements.—
9	"(A) IN GENERAL.—Except as provided in
10	subparagraph (B), each area luminaire manu-
11	factured on or after the date that is 3 years
12	after the date of enactment of this subsection
13	shall be sold—
14	"(i) with integral controls that shall
15	have the capability of operating the lumi-
16	naire at full power and a minimum of 1 re-
17	duced power level plus off, in which case
18	the power reduction shall be at least 30
19	percent of the rated lamp power; or
20	"(ii) with internal electronics and con-
21	nective wiring or hardware (including wire
22	leads, pigtails, inserts for wires, pin bases,
23	or the equivalent) that—
24	"(I) collectively enable the area
25	luminaire, if properly connected to an

1	appropriate control system, to operate
2	at full power and a minimum of 1 re-
3	duced power level plus off, in which
4	case the reduced power level shall be
5	at least 30 percent lower than the
6	rated lamp power in response to sig-
7	nals sent by controls not integral to
8	the luminaire as sold, that may be
9	connected in the field; and
10	"(II) have connections from the
11	components that are easily accessible
12	in the luminaire housing and have in-
13	structions applicable to appropriate
14	control system connections that are
15	included with the luminaire.
16	"(B) NONAPPLICATION.—The control re-
17	quirements of this paragraph shall not apply
18	to—
19	"(i) pole-mounted outdoor luminaires
20	utilizing probe-start metal halide lamps
21	with rated lamp power greater than 500
22	watts operating in non-base-up positions;
23	01
24	"(ii) pole-mounted outdoor luminaires
25	utilizing induction lamps.

1	"(C) INTEGRAL PHOTOSENSORS.—Each
2	pole-mounted outdoor luminaire sold with an in-
3	tegral photosensor shall use an electronic-type
4	photocell.
5	"(3) RULEMAKING COMMENCING NOT LATER
6	THAN 60 DAYS AFTER THE DATE OF ENACTMENT.—
7	"(A) IN GENERAL.—Not later than 60
8	days after the date of enactment of this sub-
9	section, the Secretary shall initiate a rule-
10	making procedure to determine whether the
11	standards in effect for pole-mounted outdoor
12	luminaires should be amended.
13	"(B) FINAL RULE.—
14	"(i) PUBLICATION.—The Secretary
15	shall publish a final rule containing the
16	amendments, if any, not later than Janu-
17	ary 1, 2013, or the date that is 33 months
18	after the date of enactment of this sub-
19	section, whichever is later.
20	"(ii) APPLICATION.—Any amend-
21	ments shall apply to products manufac-
22	tured on or after January 1, 2016, or the
23	date that is 3 years after the final rule is
24	published in the Federal Register, which-
25	ever is later.

1	"(C) Review.—
2	"(i) IN GENERAL.—As part of the
3	rulemaking required under this paragraph,
4	the Secretary shall review and may amend
5	the definitions, exclusions, test procedures,
6	power factor standards, lumen mainte-
7	nance requirements, labeling requirements,
8	and additional control requirements, in-
9	cluding dimming functionality, for all pole-
10	mounted outdoor luminaires.
11	"(ii) FACTORS.—The review of the
12	Secretary shall include consideration of—
13	"(I) obstacles to compliance and
14	whether compliance is evaded by sub-
15	stitution of nonregulated luminaires
16	for regulated luminaires or allowing
17	luminaires to comply with the stand-
18	ards established under this part based
19	on use of non-standard lamps, as pro-
20	vided for in section
21	343(a)(10)(D)(i)(II);
22	"(II) statistical data relating to
23	pole-mounted outdoor luminaires
24	that—

1	"(aa) the Secretary shall re-
2	quest not later than 120 days
3	after the date of enactment of
4	this subsection from all identifi-
5	able manufacturers of pole-
6	mounted outdoor luminaires, di-
7	rectly from manufacturers of
8	pole-mounted outdoor luminaires
9	or, in the case of members of the
10	National Electrical Manufactur-
11	ers Association, from the Na-
12	tional Electrical Manufacturers
13	Association;
14	"(bb) is considered nec-
15	essary for the rulemaking; and
16	"(cc) shall be made publicly
17	available in a manner that does
18	not reveal manufacturer identity
19	or confidential business informa-
20	tion, in a timely manner for dis-
21	cussion at any public proceeding
22	at which comment is solicited
23	from the public in connection
24	with the rulemaking, except that
25	nothing in this subclause restricts

1	the Secretary from seeking addi-
2	tional information during the
3	course of the rulemaking; and
4	"(III) phased-in effective dates
5	for different types of pole-mounted
6	outdoor luminaires that are submitted
7	to the Secretary in the manner pro-
8	vided for in section $325(p)(4)$, except
9	that the phased-in effective dates shall
10	not be subject to subparagraphs (A)
11	and (B) of this paragraph.
12	"(4) RULEMAKING BEFORE FEBRUARY 1,
13	2015.—
14	"(A) IN GENERAL.—Not later than Feb-
15	ruary 1, 2015, the Secretary shall initiate a
16	rulemaking procedure to determine whether the
17	standards in effect for pole-mounted outdoor
18	luminaires should be amended.
19	"(B) FINAL RULE.—
20	"(i) PUBLICATION.—The Secretary
21	shall publish a final rule containing the
22	amendments, if any, not later than Janu-
23	ary 1, 2018.

S.L.C.

1	"(ii) APPLICATION.—Any amend-
2	ments shall apply to products manufac-
3	tured on or after January 1, 2021.
4	"(C) Review.—
5	"(i) IN GENERAL.—As part of the
6	rulemaking required under this paragraph,
7	the Secretary shall review and may amend
8	the definitions, exclusions, test procedures,
9	power factor standards, lumen mainte-
10	nance requirements, labeling requirements,
11	and additional control requirements, in-
12	cluding dimming functionality, for all pole-
13	mounted outdoor luminaires.
14	"(ii) FACTORS.—The review of the
15	Secretary shall include consideration of—
16	"(I) obstacles to compliance and
17	whether compliance is evaded by sub-
18	stitution of nonregulated luminaires
19	for regulated luminaires or allowing
20	luminaires to comply with the stand-
21	ards established under this part based
22	on use of nonstandard lamps, as pro-
23	vided for in section
24	343(a)(10)(D)(i)(II);

1"(II) statistical data relating to2pole-mounted outdoor luminaires3that—

"(aa) 4 the Secretary con-5 siders necessary for the rule-6 making and requests not later 7 than June 1, 2015, from all iden-8 tifiable manufacturers of pole-9 mounted outdoor luminaires, di-10 rectly from manufacturers of 11 pole-mounted outdoor luminaires 12 and, in the case of members of 13 the National Electrical Manufac-14 turers Association, from the Na-15 tional Electrical Manufacturers 16 Association; and 17

"(bb) shall be made publicly 18 available in a manner that does 19 not reveal manufacturer identity 20 or confidential business informa-21 tion, in a timely manner for dis-22 cussion at any public proceeding 23 at which comment is solicited 24 from the public in connection 25 with the rulemaking, except that

	00
1	nothing in this subclause restricts
2	the Secretary from seeking addi-
3	tional information during the
4	course of the rulemaking; and
5	"(III) phased-in effective dates
6	for different types of pole-mounted
7	outdoor luminaires that are submitted
8	to the Secretary in the manner pro-
9	vided for in section $325(p)(4)$, except
10	that the phased-in effective dates shall
11	not be subject to subparagraphs (A)
12	and (B) of this paragraph.
13	"(h) High Light Output Double-Ended Quartz
14	HALOGEN LAMPS.—A high light output double-ended
15	quartz halogen lamp manufactured on or after January
16	1, 2016, shall have a minimum efficiency of—
17	"(1) 27 LPW for lamps with a minimum rated
18	initial lumen value greater than 6,000 and a max-
19	imum initial lumen value of 15,000; and
20	"(2) 34 LPW for lamps with a rated initial
21	lumen value greater than 15,000 and less than
22	40,000.
23	"(i) General Purpose Mercury Vapor Lamps.—
24	A general purpose mercury vapor lamp shall not be manu-
25	factured on or after January 1, 2016.".

1	(c) Test Methods.—Section 343(a) of the Energy
2	Policy and Conservation Act (42 U.S.C. 6314(a)) is
3	amended by adding at the end the following:
4	"(10) POLE-MOUNTED OUTDOOR
5	LUMINAIRES.—
6	"(A) IN GENERAL.—With respect to pole-
7	mounted outdoor luminaires to which standards
8	are applicable under section 342, the test meth-
9	ods shall be those described in this paragraph.
10	"(B) Photometric test methods.—For
11	photometric test methods, the methods shall be
12	those specified in—
13	"(i) IES LM–10–96—Approved
14	Method for Photometric Testing of Out-
15	door Fluorescent Luminaires;
16	"(ii) IES LM-31-95—Photometric
17	Testing of Roadway Luminaires Using In-
18	candescent Filament and High Intensity
19	Discharge Lamps;
20	"(iii) IES LM-79-08—Electrical and
21	Photometric Measurements of Solid-State
22	Lighting Products;
23	"(iv) IES LM-80-08—Measuring
24	Lumen Maintenance of LED Light
25	Sources;

1	"(v) IES LM-40-01—Life testing of
2	Fluorescent Lamps;
3	"(vi) IES LM-47-01—Life testing of
4	High Intensity Discharge (HID) Lamps;
5	"(vii) IES LM-49-01—Life testing of
6	Incandescent Filament Lamps;
7	"(viii) IES LM-60-01—Life testing
8	of Low Pressure Sodium Lamps; and
9	"(ix) IES LM-65-01—Life testing of
10	Compact Fluorescent Lamps.
11	"(C) OUTDOOR BACKLIGHT, UPLIGHT, AND
12	GLARE RATINGS.—For determining outdoor
13	backlight, uplight, and glare ratings, the classi-
14	fications shall be those specified in IES TM-
15	15–07—Luminaire Classification System for
16	Outdoor Luminaires with Addendum A.
17	"(D) TARGET EFFICACY RATING.—For de-
18	termining the target efficacy rating, the proce-
19	dures shall be those specified in NEMA LE–6–
20	2009—'Procedure for Determining Target Effi-
21	cacy Ratings (TER) for Commercial, Industrial
22	and Residential Luminaires,' and all of the fol-
23	lowing additional criteria (as applicable):
24	"(i) The target efficacy rating shall be
25	calculated based on the initial rated lamp

1	lumen and rated watt value equivalent to
2	the lamp with which the luminaire is
3	shipped, or, if not shipped with a lamp, the
4	target efficacy rating shall be calculated
5	based on—
6	((I) the applicable standard lamp
7	as established by subparagraph (E);
8	OF
9	"(II) a lamp that has a rated
10	wattage and rated initial lamp lumens
11	that are the same as the maximum
12	lamp watts and minimum lamp
13	lumens labeled on the luminaire, in
14	accordance with section 344(f).
15	"(ii) If the luminaire is designed to
16	operate at more than 1 nominal input volt-
17	age, the ballast input watts used in the
18	target efficacy rating calculation shall be
19	the highest value for any nominal input
20	voltage for which the ballast is designed to
21	operate.
22	"(iii) If the luminaire is a pole-mount-
23	ed outdoor luminaire that contains a bal-
24	last that is labeled to operate lamps of
25	more than 1 wattage, the luminaire shall—

	07
1	"(I) meet or exceed the target ef-
2	ficacy rating in the table in section
3	342(g)(1)(B) calculated in accordance
4	with clause (i) for all lamp wattages
5	that the ballast is labeled to operate;
6	"(II) be constructed such that
7	the luminaire is only capable of ac-
8	cepting lamp wattages that produce
9	target efficacy ratings that meet or
10	exceed the values in the table in sec-
11	tion $342(g)(1)(B)$ calculated in ac-
12	cordance with clause (i); or
13	"(III) be rated and prominently
14	labeled for a maximum lamp wattage
15	that results in the luminaire meeting
16	or exceeding the target efficacy rating
17	in the table in section $342(g)(1)(B)$
18	when calculated and labeled in accord-
19	ance with clause (i).
20	"(iv) If the luminaire is a pole-mount-
21	ed outdoor luminaire that is constructed
22	such that the luminaire will only accept an
23	ANSI Type–O lamp, the luminaire shall
24	meet or exceed the target efficacy rating in

1	the table in section $342(g)(1)(B)$ when
2	tested with an ANSI Type–O lamp.
3	"(v) If the luminaire is a pole-mount-
4	ed outdoor luminaire that is marketed to
5	use a coated lamp, the luminaire shall
6	meet or exceed the target efficacy rating in
7	the table in section $342(g)(1)(B)$ when
8	tested with a coated lamp.
9	"(vi) If the luminaire is a solid state
10	lighting pole-mounted outdoor luminaire,
11	the luminaire shall have its target efficacy
12	rating calculated based on the combination
13	of absolute luminaire lumen values and
14	input wattages that results in the lowest
15	possible target efficacy rating for any light
16	source, including ranges of correlated color
17	temperature and color rendering index val-
18	ues, for which the luminaire is marketed
19	by the luminaire manufacturer.
20	"(vii) If the luminaire is a high inten-
21	sity discharge pole-mounted outdoor lumi-
22	naire using a ballast that has a ballast fac-
23	tor different than 1, the target efficacy
24	rating of the luminaire shall be calculated
25	by using the input watts needed to operate

S.L.C.

	00
1	the lamp at full rated power, or by using
2	the actual ballast factor of the ballast.
3	"(E) TABLE OF STANDARD LAMP TYPES.—
4	"(i) IN GENERAL.—The National
5	Electrical Manufacturers Association shall
6	develop and publish not later than 1 year
7	after the date of enactment of this para-
8	graph and thereafter maintain and regu-
9	larly update on a publicly available website
10	a table including standard lamp types by
11	wattage, ANSI code, initial lamp lumen
12	value, lamp orientation, and lamp finish.
13	"(ii) Initial lamp lumen values.—
14	The initial lamp lumen values shall—
15	"(I) be determined according to a
16	uniform rating method and tested ac-
17	cording to accepted industry practice
18	for each lamp that is considered for
19	inclusion in the table; and
20	"(II) in each case contained in
21	the table, be the lowest known initial
22	lamp lumen value that approximates
23	typical performance in representative
24	general outdoor lighting applications.

1	"(iii) ACTIONS.—On completion of the
2	table required by this subparagraph and
3	any updates to the table—
4	"(I) the National Electrical Man-
5	ufacturers Association shall submit
6	the table and any updates to the Sec-
7	retary; and
8	"(II) the Secretary shall—
9	"(aa) publish the table and
10	any comments that are included
11	with the table in the Federal
12	Register;
13	"(bb) solicit public comment
14	on the table; and
15	"(cc) not later than 180
16	days after date of receipt of the
17	table, after considering the fac-
18	tors described in clause (iv),
19	adopt the table for purposes of
20	this part.
21	"(iv) Rebuttable presumption.—
22	"(I) IN GENERAL.—There shall
23	be a rebuttable presumption that the
24	table and any updates to the table
25	transmitted by the National Electrical

	11
1	Manufacturers Association to the Sec-
2	retary meets the requirements of this
3	subparagraph, which may be rebutted
4	only if the Secretary finds by clear
5	and substantial evidence that—
6	"(aa) data have been in-
7	cluded that were not the result of
8	having applied applicable indus-
9	try standards; or
10	"(bb) lamps have been in-
11	cluded in the table that are not
12	representative of general outdoor
13	lighting applications.
14	"(II) Conforming changes.—
15	If subclause (I) applies, the National
16	Electrical Manufacturers Association
17	shall conform the published table of
18	the Association to the table adopted
19	by the Secretary.
20	"(v) Nontransmission of table.—
21	If the National Electrical Manufacturers
22	Association has not submitted the table to
23	the Secretary within 1 year after the date
24	of enactment of this paragraph, the Sec-
25	retary shall develop, publish, and adopt the

1	table not later than 18 months after the
2	date of enactment of this paragraph and
3	update the table regularly.
4	"(F) Amendment of test methods
5	The Secretary may, by rule, adopt new or addi-
6	tional test methods for pole-mounted outdoor
7	luminaires in accordance with this section.".
8	(d) LABELING.—Section 344 of the Energy Policy
9	and Conservation Act (42 U.S.C. 6315) is amended—
10	(1) in subsections (d) and (e), by striking "(h)"
11	each place it appears and inserting "(i)";
12	(2) by redesignating subsections (f) through (k)
13	as subsections (g) through (l), respectively; and
14	(3) by inserting after subsection (e) the fol-
15	lowing:
16	"(f) Labeling Rules for Pole-Mounted Out-
17	DOOR LUMINAIRES.—
18	"(1) IN GENERAL.—Subject to subsection (i),
19	not later than 1 year after the date of enactment of
20	this paragraph, the Secretary shall establish labeling
21	rules under this part for pole-mounted outdoor
22	luminaires manufactured on or after the date on
23	which standards established under section $342(g)$
24	take effect.
25	"(2) RULES.—The rules shall require—

	• •
1	"(A) for pole-mounted outdoor luminaires,
2	that the luminaire, be marked with a capital
3	letter 'P' printed within a circle in a con-
4	spicuous location on both the pole-mounted lu-
5	minaire and its packaging to indicate that the
6	pole-mounted outdoor luminaire conforms to the
7	energy conservation standards established in
8	section 342(g); and
9	"(B) for pole-mounted outdoor luminaires
10	that do not contain a lamp in the same ship-
11	ment with the luminaire and are tested with a
12	lamp with a lumen rating exceeding the stand-
13	ard lumen value specified in the table estab-
14	lished under section $343(a)(10)(E)$, that the lu-
15	minaire—
16	"(i) be labeled to identify the min-
17	imum rated initial lamp lumens and max-
18	imum rated lamp watts required to con-
19	form to the energy conservation standards
20	established in section $342(g)$; and
21	"(ii) bear a statement on the label
22	that states: 'Product violates Federal law
23	when installed with a standard lamp. Use
24	only a lamp that meets the minimum

S.L.C.

1	lumens and maximum watts provided on
2	this label.'.".
3	(e) PREEMPTION.—Section 345 of the Energy Policy
4	and Conservation Act (42 U.S.C. 6316) is amended—
5	(1) in the first sentence of subsection (a), by
6	striking "The" and inserting "Except as otherwise
7	provided in this section, the"; and
8	(2) by adding at the end the following:
9	"(i) Pole-Mounted Outdoor Luminaires and
10	HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ HALO-
11	gen Lamps.—
12	"(1) IN GENERAL.—Except as provided in para-
13	graph (2), section 327 shall apply to pole-mounted
14	outdoor luminaires and high light output double-
15	ended quartz halogen lamps to the same extent and
16	in the same manner as the section applies under
17	part B.
18	"(2) STATE ENERGY CONSERVATION STAND-
19	ARDS.—Any State energy conservation standard that
20	is adopted on or before January 1, 2015, pursuant
21	to a statutory requirement to adopt efficiency stand-
22	ard for reducing outdoor lighting energy use enacted
23	prior to January 31, 2008, shall not be preempted.".

SEC. 240. ENERGY EFFICIENCY PROVISIONS.
(a) DIRECT FINAL RULE.—Section 323(b)(1) of the
Energy Policy and Conservation Act (42 U.S.C.
6293(b)(1)) (as amended by section $221(a)(2)$) is amend-
ed by adding at the end the following:
"(C) Test procedures.—The Secretary
may, in accordance with the requirements of
this subsection, prescribe test procedures for
any consumer product classified as a covered
product under section 322(b).
"(D) NEW OR AMENDED TEST PROCE-
DURES.—The Secretary shall direct the Na-
tional Bureau of Standards to assist in devel-
oping new or amended test procedures.
"(E) DIRECT FINAL RULE.—The Secretary
may adopt a consensus test procedure in ac-
cordance with the direct final rule procedure es-
tablished under section $325(p)(4)$.".
(b) Criteria for Prescribing New or Amended
STANDARDS.—Section 325(0) of the Energy Policy and
Conservation Act (42 U.S.C. 6295(o)) is amended—
(1) in paragraph $(2)(B)$ —
(A) in clause (i)—
(i) in subclause (III), by adding before
the semicolon "and the estimated impact

1	(ii) in subclause (VI), by striking ";
2	and" and inserting a semicolon;
3	(iii) by redesignating subclause (VII)
4	as subclause (VIII); and
5	(iv) by inserting after subclause (VI)
6	the following:
7	"(VII) the net energy, environ-
8	mental, and economic impacts due to
9	smart grid technologies or capabilities
10	in a covered product that enable de-
11	mand response or response to time-de-
12	pendent energy pricing, taking into
13	consideration the rate of use of the
14	smart grid technologies or capabilities
15	over the life of the product that is
16	likely to result from the imposition of
17	the standard; and"; and
18	(B) in clause (iii)—
19	(i) by striking "(iii) If the Secretary
20	finds" and inserting the following:
21	"(iii) REBUTTABLE PRESUMPTION.—
22	"(I) IN GENERAL.—Subject to
23	subclause (II), if the Secretary finds";

1	(ii) in subclause (I) (as designated by
2	clause (i)), by striking "three" and insert-
3	ing "4"; and
4	(iii) by striking the second sentence
5	and inserting the following:
6	"(II) Multiplier for certain
7	PRODUCTS.—For any product with an
8	average expected useful life of less
9	than 4 years, the rebuttable presump-
10	tion described in subclause (I) shall be
11	determined using 75 percent of the
12	average expected useful life of the
13	product as a multiplier instead of 4.
14	"(III) REQUIREMENT FOR RE-
15	BUTTAL OF PRESUMPTION.—A pre-
16	sumption described in subclause (I)
17	may be rebutted only if the Secretary
18	finds, based on clear and substantial
19	evidence, that—
20	"(aa) the standard level
21	would cause substantial hardship
22	to the average consumer of the
23	product, or to manufacturers
24	supplying a significant portion of
25	the market for the product, in

2

3

4

5

24

25

78

terms of manufacturing or product cost or loss of product utility or features, the aggregate of which outweighs the benefits of the standard level;

6 "(bb) the standard and im-7 plementing regulations cannot 8 reasonably be designed to avoid 9 or mitigate any hardship de-10 scribed in item (aa) (including 11 through the adoption of regional 12 standards for the products identi-13 fied in, and consistent with, para-14 graph (6) or other reasonable 15 means consistent with this part) 16 and the hardship cannot be 17 avoided or mitigated through the 18 procedures described in section 19 504 of the Department of Energy 20 Organization U.S.C. Act (42)21 7194); and 22 "(cc) the same or a substan-23

tially similar hardship with respect to a hardship described in item (aa) would not occur under

	10
1	a standard adopted in the ab-
2	sence of the presumption, but
3	that otherwise meets the require-
4	ments of this section.
5	"(IV) PROHIBITED FACTORS FOR
6	DETERMINATION.—
7	"(aa) In general.—Except
8	as provided in item (bb), a deter-
9	mination by the Secretary that
10	the criteria triggering a presump-
11	tion described in subclause (I)
12	are not met, or that the criterion
13	for rebutting the presumption are
14	met, shall not be taken into con-
15	sideration by the Secretary in de-
16	termining whether a standard is
17	economically justified.
18	"(bb) EXCEPTION.—Evi-
19	dence presented regarding the
20	presumption may be considered
21	by the Secretary in making a de-
22	termination described in item
23	(aa)."; and
24	(2) by adding at the end the following:

1	"(7) Incorporation of smart grid tech-
2	NOLOGIES.—
3	"(A) IN GENERAL.—The Secretary, after
4	consultation with the Director of the National
5	Institute of Standards and Technology, may in-
6	corporate smart grid technologies or capabilities
7	into standards described in subparagraph (B).
8	"(B) STANDARDS.—Standards referred to
9	in subparagraph (A) shall meet the require-
10	ments of this section, including through incor-
11	poration of—
12	"(i) standards that provide credit for
13	smart grid technologies or capabilities, if
14	the smart grid technologies or capabilities
15	provide net benefits substantially equiva-
16	lent to benefits of products that meet the
17	standards without smart grid technologies
18	or capabilities, taking into consideration
19	energy, economic, and environmental im-
20	pacts (including emissions reductions from
21	electrical generation); and
22	"(ii) 1 or more performance standards
23	or design requirements, if the required
24	smart grid technologies or capabilities are
25	technologically feasible and provide net

81

1benefits, taking into consideration energy,2economic, and environmental impacts (in-3cluding emissions reductions from elec-4trical generation).".

5 (c) OBTAINMENT OF APPLIANCE INFORMATION
6 FROM MANUFACTURERS.—Section 326 of the Energy Pol7 icy and Conservation Act (42 U.S.C. 6296) is amended
8 by striking subsection (d) and inserting the following:

9 "(d) INFORMATION REQUIREMENTS.—

10 "(1) IN GENERAL.—For purposes of carrying 11 out this part, the Secretary shall promulgate pro-12 posed regulations not later than 1 year after the 13 date of enactment of the National Energy Efficiency 14 Enhancement Act of 2010, and after receiving public 15 comment, final regulations not later than 18 months 16 after the date of enactment of that Act, under this 17 part or other provision of law administered by the 18 Secretary, that shall require each manufacturer of a 19 covered product, on a product specific basis, to sub-20 mit information or reports to the Secretary—

21 "(A) in such form as the Secretary may
22 adopt; and
23 "(B)(i) on an annual basis; or

24 "(ii) at longer-than-annual intervals, but
25 not less frequently than once every 3 years.

	3
1	"(2) Form and content of reports.—The
2	form and content of each report required by a man-
3	ufacturer of a covered product under paragraph
4	(1)—
5	"(A) may vary by product type, as deter-
6	mined by the Secretary; and
7	"(B) shall include information or data re-
8	garding—
9	"(i) the annual shipments by the man-
10	ufacturer of each class or category of cov-
11	ered products, subdivided, to the extent
12	practicable, by—
13	"(I) energy efficiency, energy
14	use, and, in the case of products with
15	water use standards, water use;
16	"(II) the presence or absence of
17	such efficiency related or energy con-
18	suming operational characteristics or
19	components that are or may be re-
20	quired as part of a standard as the
21	Secretary determines to be relevant
22	for the purposes of carrying out this
23	part; and
24	"(III) for covered products for
25	which the Secretary may adopt re-

1	gional standards, shipments to Cali-
2	fornia and regional location of sale;
3	and
4	"(ii) such other categories of informa-
5	tion that the Secretary determines to be
6	relevant to carry out this part, including
7	such other information that may be nec-
8	essary—
9	"(I) to establish and revise—
10	"(aa) test procedures;
11	"(bb) labeling rules; and
12	"(cc) energy conservation
13	standards;
14	"(II) to ensure compliance with
15	the requirements of this part; and
16	"(III) to estimate the impacts on
17	consumers and manufacturers of en-
18	ergy conservation standards in effect
19	as of the reporting date.
20	"(3) REQUIREMENTS OF SECRETARY IN PRO-
21	MULGATING REGULATIONS.—
22	"(A) IN GENERAL.—In promulgating regu-
23	lations under paragraph (1), the Secretary shall
24	consider—

	84
1	"(i) existing public sources of infor-
2	mation, including nationally recognized
3	certification or verification programs of
4	trade associations and States; and
5	"(ii)(I) whether some or all of the in-
6	formation described in paragraph (2) is
7	submitted to another Federal agency; and
8	"(II) the means by which to minimize
9	any duplication of requests for information
10	by Federal agencies.
11	"(B) COORDINATION WITH TRADE ASSO-
12	CIATIONS AND STATES.—In carrying out sub-
13	paragraph (A)(i), the Secretary shall, to the ex-
14	tent practicable, coordinate with trade associa-
15	tions and States—
16	"(i) to ensure the uniformity of the
17	reporting requirements; and
18	"(ii) to mitigate reporting burdens.
19	"(4) Minimization of burdens on manufac-
20	TURERS.—In carrying out this subsection, the Sec-
21	retary shall exercise the authority of the Secretary
22	under this subsection in a manner designed to mini-
23	mize burdens on the manufacturers of covered prod-
24	ucts.
25	"(5) Reporting of energy information.—

S.L.C.

85

"(A) IN GENERAL.—Section 11(d) of the 1 2 Energy Supply and Environmental Coordina-3 tion Act of 1974 (15 U.S.C. 796(d)) shall apply 4 with respect to information obtained under this 5 subsection to the same extent and in the same 6 manner as section 11(d) of that Act applies 7 with respect to energy information obtained under section 11 of that Act. 8 9 "(B) DISCLOSURE OF INDUSTRY AGGRE-

10 GATED SHIPMENT DATA.—To protect individual 11 company shipment information from public dis-12 closure, the Secretary shall, to the maximum 13 extent practicable, disclose to the public the in-14 formation required under clauses (i) and (ii) of 15 paragraph (2)(B) in a form that has been ag-16 gregated by industry associations that are au-17 thorized by manufacturers to report the aggre-18 gated information for public disclosure on be-19 half of the manufacturers.

20 "(6) LIMITATIONS.—Nothing in this subsection
21 limits—

22 "(A) the ability of any State to collect in23 formation and data from manufacturers, indus24 try or trade associations, or other entities, pur-

1	suant to the statutory or regulatory authority
2	of the State;
3	"(B) the application of section 327(a) to
4	any State law (including regulations); or
5	"(C) the authority of the Secretary to re-
6	quire each manufacturer of a covered product
7	to submit information or reports regarding the
8	compliance by the manufacturer with the re-
9	quirements of this part.
10	"(7) PERIODIC REVISIONS.—In accordance with
11	each procedure and criteria required under para-
12	graph (1), the Secretary may periodically revise the
13	reporting requirements adopted under this sub-
14	section.".
15	(d) WAIVER OF FEDERAL PREEMPTION.—Section
16	327(d)(1) of the Energy Policy and Conservation Act (42)
17	U.S.C. 6297(d)(1)) is amended—
18	(1) in subparagraph (B)—
19	(A) by inserting "(i)" before "Subject to
20	paragraphs"; and
21	(B) by adding at the end the following:
22	"(ii) In making a finding under clause (i), the Sec-
23	retary may not reject a petition for failure of the peti-
24	tioning State or river basin commission to produce con-
25	fidential information maintained by any manufacturer or

87

distributor, or group or association of manufacturers or
 distributors, that the petitioning party has requested and
 not received."; and

4 (2) in the matter following subparagraph 5 (C)(ii), by adding at the end the following: "Not-6 withstanding the preceding sentence, the Secretary 7 may approve a waiver petition submitted by a State 8 that does not have an energy plan and forecast if 9 the waiver petition concerns a State regulation 10 adopted pursuant to a notice and comment rule-11 making proceeding.".

(e) PERMITTING STATES TO SEEK INJUNCTIVE ENFORCEMENT.—Section 334 of the Energy Policy and Conservation Act (42 U.S.C. 6304) is amended to read as follows:

16 "SEC. 334. PERMITTING STATES TO SEEK INJUNCTIVE EN-

17 FORCEMENT.

18 "(a) JURISDICTION.—The United States district
19 courts shall have original jurisdiction of a civil action seek20 ing an injunction to restrain—

21 "(1) any violation of section 332; and

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

25 "(b) AUTHORITY.—

1	"(1) IN GENERAL.—Except as provided in para-
2	graph (2), an action under subsection (a) shall be
3	brought by—
4	"(A) the Commission; or
5	"(B) the attorney general of a State in the
6	name of the State.
7	"(2) Exceptions.—
8	"(A) IN GENERAL.—Notwithstanding para-
9	graph (1), only the Secretary may bring an ac-
10	tion under this section to restrain—
11	"(i) a violation of section $332(a)(3)$
12	relating to a requirement prescribed by the
13	Secretary; or
14	"(ii) a violation of section $332(a)(4)$
15	relating to a request by the Secretary
16	under section $326(b)(2)$.
17	"(B) Other prohibited acts.—An ac-
18	tion under this section regarding a violation of
19	paragraph (5) or (7) of section $332(a)$ shall be
20	brought by—
21	"(i) the Secretary; or
22	"(ii) the attorney general of a State in
23	the name of the State.
24	"(c) LIMITATION.—If an action under this section is
25	brought by the attorney general of a State—

((1) not less than 30 days before the date of
commencement of the action, the State shall—
"(A) provide written notice to the Sec-
retary and the Commission; and
"(B) provide the Secretary and the Com-
mission with a copy of the complaint;
"(2) the Secretary and the Commission—
"(A) may intervene in the suit or action;
"(B) upon intervening, shall be heard on
all matters arising from the suit or action; and
"(C) may file petitions for appeal;
"(3) no separate action may be brought under
this section if, at the time written notice is provided
under paragraph (1), the same alleged violation or
failure to comply is the subject of a pending action,
or a final judicial judgment or decree, by the United
States under this Act; and
"(4) the action shall not be construed—
"(A) as to prevent the attorney general of
a State, or other authorized officer of the State,
from exercising the powers conferred on the at-
torney general, or other authorized officer of
the State, by the laws of the State (including
regulations); or

1	"(B) as to prohibit the attorney general of
2	a State, or other authorized officer of the State,
3	from proceeding in a Federal or State court on
4	the basis of an alleged violation of any civil or
5	criminal statute of the State.
6	"(d) VENUE; SERVICE OF PROCESS.—
7	"(1) VENUE.—An action under this section
8	may be brought in the United States district court
9	for—
10	"(A) the district in which the act, omis-
11	sion, or transaction constituting the applicable
12	violation occurred; or
13	"(B) the district in which the defendant—
14	"(i) resides; or
15	"(ii) transacts business.
16	"(2) SERVICE OF PROCESS.—In an action
17	under this section, process may be served on a de-
18	fendant in any district in which the defendant re-
19	sides or is otherwise located.".
20	(f) TREATMENT OF APPLIANCES WITHIN BUILDING
21	CODES.—Section 327 of the Energy Policy and Conserva-
22	tion Act (42 U.S.C. 6297) is amended by adding at the
23	end the following:
24	"(h) Recognition of Alternative Refrigerant
25	USES.—With respect to State or local laws (including reg-

91

ulations) prohibiting, limiting, or restricting the use of al-1 ternative refrigerants for specific end uses approved by the 2 3 Administrator of the Environmental Protection Agency 4 pursuant to the Significant New Alternatives Program 5 under section 612 of the Clean Air Act (42 U.S.C. 7671k) 6 for use in a covered product under section 322(a)(1) con-7 sidered on or after the date of enactment of this sub-8 section, notice shall be provided to the Administrator be-9 fore or during any State or local public comment period 10 to provide to the Administrator an opportunity to com-11 ment.".

12 SEC. 240A. TECHNICAL CORRECTIONS.

(a) TITLE III OF ENERGY INDEPENDENCE AND SE14 CURITY ACT OF 2007—ENERGY SAVINGS THROUGH IM15 PROVED STANDARDS FOR APPLIANCES AND LIGHTING.—
16 (1) G (1) G (1) (2016)

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 amend20 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 of the Energy Independence
2	and Security Act of 2007 (121 Stat. 1551)) is
3	amended—
4	(A) in subsection (a), by striking "end of
5	the paragraph" and inserting "end of subpara-
6	graph (A)"; and
7	(B) in subsection (b), by striking
8	"6313(a)" and inserting "6314(a)".
9	(3) Section 342(a)(6) of the Energy Policy and
10	Conservation Act (42 U.S.C. 6313(a)(6)) (as amend-
11	ed by section $305(b)(2)$ of the Energy Independence
12	and Security Act of 2007 (121 Stat. 1554)) is
13	amended—
14	(A) in subparagraph (B)—
15	(i) by striking "If the Secretary" and
16	inserting the following:
17	"(i) IN GENERAL.—If the Secretary";
18	(ii) by striking "clause (ii)(II)" and
19	inserting "subparagraph (A)(ii)(II)";
20	(iii) by striking "clause (i)" and in-
21	serting "subparagraph (A)(i)"; and
22	(iv) by adding at the end the fol-
23	lowing:
24	"(ii) Factors.—In determining
25	whether a standard is economically justi-

	00
1	fied for the purposes of subparagraph
2	(A)(ii)(II), the Secretary shall, after receiv-
3	ing views and comments furnished with re-
4	spect to the proposed standard, determine
5	whether the benefits of the standard ex-
6	ceed the burden of the proposed standard
7	by, to the maximum extent practicable,
8	considering-
9	"(I) the economic impact of the
10	standard on the manufacturers and
11	on the consumers of the products sub-
12	ject to the standard;
13	"(II) the savings in operating
14	costs throughout the estimated aver-
15	age life of the product in the type (or
16	class) compared to any increase in the
17	price of, or in the initial charges for,
18	or maintenance expenses of, the prod-
19	ucts that are likely to result from the
20	imposition of the standard;
21	"(III) the total projected quan-
22	tity of energy savings likely to result
23	directly from the imposition of the
24	standard;

	J=
1	"(IV) any lessening of the utility
2	or the performance of the products
3	likely to result from the imposition of
4	the standard;
5	"(V) the impact of any lessening
6	of competition, as determined in writ-
7	ing by the Attorney General, that is
8	likely to result from the imposition of
9	the standard;
10	"(VI) the need for national en-
11	ergy conservation; and
12	"(VII) other factors the Sec-
13	retary considers relevant.
14	"(iii) Administration.—
15	"(I) ENERGY USE AND EFFI-
16	CIENCY.—The Secretary may not pre-
17	scribe any amended standard under
18	this paragraph that increases the
19	maximum allowable energy use, or de-
20	creases the minimum required energy
21	efficiency, of a covered product.
22	"(II) UNAVAILABILITY.—
23	"(aa) IN GENERAL.—The
24	Secretary may not prescribe an
25	amended standard under this

1	subparagraph if the Secretary
2	finds (and publishes the finding)
3	that interested persons have es-
4	tablished by a preponderance of
5	the evidence that a standard is
6	likely to result in the unavail-
7	ability in the United States in
8	any product type (or class) of
9	performance characteristics (in-
10	cluding reliability, features, sizes,
11	capacities, and volumes) that are
12	substantially the same as those
13	generally available in the United
14	States at the time of the finding
15	of the Secretary.
16	"(bb) Other types or
17	CLASSES.—The failure of some
18	types (or classes) to meet the cri-
19	terion established under this sub-
20	clause shall not affect the deter-
21	mination of the Secretary on
22	whether to prescribe a standard
23	for the other types or classes.";
24	and

1	(B) in subparagraph (C)(iv), by striking
2	"An amendment prescribed under this sub-
3	section" and inserting "Notwithstanding sub-
4	paragraph (D), an amendment prescribed under
5	this subparagraph".
6	(4) Section 342(a)(6)(B)(iii) of the Energy Pol-
7	icy and Conservation Act (as added by section
8	306(c) of the Energy Independence and Security Act
9	of 2007 (121 Stat. 1559)) is transferred and redes-
10	ignated as clause (vi) of section $342(a)(6)(C)$ of the
11	Energy Policy and Conservation Act (as amended by
12	section $305(b)(2)$ of the Energy Independence and
13	Security Act of 2007 (121 Stat. 1554).
14	(5) Section 345 of the Energy Policy and Con-
15	servation Act (42 U.S.C. 6316) (as amended by sec-
16	tion 312(e) of the Energy Independence and Secu-
17	rity Act of 2007 (121 Stat. 1567)) is amended—
18	(A) by striking "subparagraphs (B)
19	through (G)" each place it appears and insert-
20	ing "subparagraphs (B), (C), (D), (I), (J), and
21	(K)";
22	(B) by striking "part A" each place it ap-
23	pears and inserting "part B"; and

S.L.C.

1	(C) in subsection $(h)(3)$, by striking "sec-
2	tion $342(f)(3)$ " and inserting "section
3	342(f)(4)".
4	(6) Section $340(13)$ of the Energy Policy and
5	Conservation Act (42 U.S.C. 6311(13)) (as amended
6	by section 313(a) of the Energy Independence and
7	Security Act of 2007 (121 Stat. 1568)) is amend-
8	ed—
9	(A) by striking subparagraphs (A) and (B)
10	and inserting the following:
11	"(A) IN GENERAL.—The term 'electric
12	motor' means any of the following:
13	"(i) A motor that is a general purpose
14	T-frame, single-speed, foot-mounting, poly-
15	phase squirrel-cage induction motor of the
16	National Electrical Manufacturers Associa-
17	tion, Design A and B, continuous rated,
18	operating on $230/460$ volts and constant
19	60 Hertz line power as defined in NEMA
20	Standards Publication MG1–1987.
21	"(ii) A motor incorporating the design
22	elements described in clause (i), but is con-
23	figured to incorporate 1 or more of the fol-
24	lowing variations:
25	"(I) U-frame motor.

1	"(II) NEMA Design C motor.
2	"(III) Close-coupled pump motor.
3	"(IV) Footless motor.
4	"(V) Vertical solid shaft normal
5	thrust motor (as tested in a horizontal
6	configuration).
7	"(VI) 8-pole motor.
8	"(VII) Poly-phase motor with a
9	voltage rating of not more than 600
10	volts (other than 230 volts or 460
11	volts, or both, or can be operated on
12	230 volts or 460 volts, or both)."; and
13	(B) by redesignating subparagraphs (C)
14	through (I) as subparagraphs (B) through (H),
15	respectively.
16	(7)(A) Section 342(b) of the Energy Policy and
17	Conservation Act (42 U.S.C. 6313(b)) is amended—
18	(i) in paragraph (1), by striking "para-
19	graph (2) " and inserting "paragraph (3) ";
20	(ii) by redesignating paragraphs (2) and
21	(3) as paragraphs (3) and (4) ;
22	(iii) by inserting after paragraph (1) the
23	following:
24	"(2) Standards effective beginning de-
25	CEMBER 19, 2010.—

99

1 "(A) IN GENERAL.—Except for definite 2 purpose motors, special purpose motors, and 3 those motors exempted by the Secretary under 4 paragraph (3) and except as provided for in 5 subparagraphs (B), (C), and (D), each electric 6 motor manufactured with power ratings from 1 7 to 200 horsepower (alone or as a component of 8 another piece of equipment) on or after Decem-9 ber 19, 2010, shall have a nominal full load ef-10 ficiency of not less than the nominal full load 11 efficiency described in NEMA MG-1 (2006) 12 Table 12–12. 13 "(B) FIRE PUMP ELECTRIC MOTORS.—Ex-14 cept for those motors exempted by the Sec-15 retary under paragraph (3), each fire pump 16 electric motor manufactured with power ratings 17 from 1 to 200 horsepower (alone or as a compo-18 nent of another piece of equipment) on or after 19 December 19, 2010, shall have a nominal full 20 load efficiency that is not less than the nominal 21 full load efficiency described in NEMA MG-1 22 (2006) Table 12–11. 23 "(C) NEMA DESIGN B ELECTRIC MO-

TORS.—Except for those motors exempted by
the Secretary under paragraph (3), each

100

1 NEMA Design B electric motor with power rat-2 ings of more than 200 horsepower, but not 3 greater than 500 horsepower, manufactured 4 (alone or as a component of another piece of 5 equipment) on or after December 19, 2010, 6 shall have a nominal full load efficiency of not 7 less than the nominal full load efficiency de-8 scribed in NEMA MG-1 (2006) Table 12-11. 9 "(D) MOTORS INCORPORATING CERTAIN 10 DESIGN ELEMENTS.—Except for those motors 11 exempted by the Secretary under paragraph 12 (3), each electric motor described in section 13 340(13)(A)(ii) manufactured with power rat-14 ings from 1 to 200 horsepower (alone or as a 15 component of another piece of equipment) on or 16 after December 19, 2010, shall have a nominal 17 full load efficiency of not less than the nominal 18 full load efficiency described in NEMA MG-1 19 (2006) Table 12–11."; and 20 (iv) in paragraph (3) (as redesignated by 21 clause (ii)), by striking "paragraph (1)" each 22 place it appears in subparagraphs (A) and (D)

and inserting "paragraphs (1) and (2)".

	101
1	(B) Section 313 of the Energy Independence
2	and Security Act of 2007 (121 Stat. 1568) is re-
3	pealed.
4	(C) The amendments made by—
5	(i) subparagraph (A) take effect on De-
6	cember 19, 2010; and
7	(ii) subparagraph (B) take effect on De-
8	cember 19, 2007.
9	(8) Section $321(30)(D)(i)(III)$ of the Energy
10	Policy and Conservation Act (42 U.S.C.
11	6291(30)(D)(i)(III)) (as amended by section
12	321(a)(1)(A) of the Energy Independence and Secu-
13	rity Act of 2007 (121 Stat. 1574)) is amended by
14	inserting before the semicolon the following: "or, in
15	the case of a modified spectrum lamp, not less than
16	232 lumens and not more than 1,950 lumens".
17	(9) Section $321(30)(T)$ of the Energy Policy
18	and Conservation Act $(42 \text{ U.S.C. } 6291(30)(\text{T}) \text{ (as})$
19	amended by section $321(a)(1)(B)$ of the Energy
20	Independence and Security Act of 2007 (121 Stat.
21	1574)) is amended—
22	(A) in clause (i)—
23	(i) by striking the comma after
24	"household appliance" and inserting
25	"and"; and

S.L.C.

1	(ii) by striking "and is sold at retail,";
2	and
3	(B) in clause (ii), by inserting "when sold
4	at retail," before "is designated".
5	(10) Section 325(i) of the Energy Policy and
6	Conservation Act (42 U.S.C. $6295(i)$) (as amended
7	by sections $321(a)(3)(A)$ and $322(b)$ of the Energy
8	Independence and Security Act of 2007 (121 Stat.
9	1577, 1588)) is amended by striking the subsection
10	designation and all that follows through the end of
11	paragraph (8) and inserting the following:
12	"(i) General Service Fluorescent Lamps, Gen-
13	ERAL SERVICE INCANDESCENT LAMPS, INTERMEDIATE
14	BASE INCANDESCENT LAMPS, CANDELABRA BASE INCAN-
15	DESCENT LAMPS, AND INCANDESCENT REFLECTOR
16	LAMPS.—
17	"(1) Energy efficiency standards.—
18	"(A) IN GENERAL.—Each of the following
19	general service fluorescent lamps, general serv-
20	ice incandescent lamps, intermediate base in-
21	candescent lamps, candelabra base incandescent
22	lamps, and incandescent reflector lamps manu-
23	factured after the effective date specified in the
24	tables listed in this subparagraph shall meet or

exceed the standards established in the fol lowing tables:

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Pe- riod 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
	$\leq 65 \text{ W}$	45	80.0	18
8-foot high output	>100 W	69	80.0	18
	${\leq}100~{\rm W}$	45	80.0	18
"INCA	NDESCENT	REFLECTOR	R LAMPS	
			Minimum Average	Effective Date (Pe-

"FLUORESCENT LAMPS

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Pe- riod 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	$1{,}000~{\rm hrs}$	1/1/2014

	101
1	"(i) Application criteria.—This
2	subparagraph applies to each lamp that—
3	"(I) is intended for a general
4	service or general illumination applica-
5	tion (whether incandescent or not);
6	"(II) has a medium screw base
7	or any other screw base not defined in
8	ANSI C81.61–2006;
9	"(III) is capable of being oper-
10	ated at a voltage at least partially
11	within the range of 110 to 130 volts;
12	and
13	"(IV) is manufactured or im-
14	ported after December 31, 2011.
15	"(ii) Requirement.—For purposes
16	of this paragraph, each lamp described in
17	clause (i) shall have a color rendering
18	index that is greater than or equal to—
19	"(I) 80 for nonmodified spectrum
20	lamps; or
21	"(II) 75 for modified spectrum
22	lamps.
23	"(C) CANDELABRA INCANDESCENT LAMPS
24	AND INTERMEDIATE BASE INCANDESCENT
25	LAMPS.—

1	"(i) CANDELABRA BASE INCANDES-
2	CENT LAMPS.—Effective beginning Janu-
3	ary 1, 2012, a candelabra base incandes-
4	cent lamp shall not exceed 60 rated watts.
5	"(ii) Intermediate base incandes-
6	CENT LAMPS.—Effective beginning Janu-
7	ary 1, 2012, an intermediate base incan-
8	descent lamp shall not exceed 40 rated
9	watts.
10	"(D) EXEMPTIONS.—
11	"(i) Statutory exemptions.—The
12	standards specified in subparagraph (A)
13	shall not apply to the following types of in-
14	candescent reflector lamps:
15	"(I) Lamps rated at 50 watts or
16	less that are ER30, BR30, BR40, or
17	ER40 lamps.
18	"(II) Lamps rated at 65 watts
19	that are BR30, BR40, or ER40
20	lamps.
21	"(III) R20 incandescent reflector
22	lamps rated 45 watts or less.
23	"(ii) Administrative exemp-
24	TIONS.—

1 "(I) PETITION.—Any person may 2 petition the Secretary for an exemp-3 tion for a type of general service lamp 4 from the requirements of this sub-5 section. 6 "(II) CRITERIA.—The Secretary 7 may grant an exemption under sub-8 clause (I) only to the extent that the 9 Secretary finds, after a hearing and 10 opportunity for public comment, that 11 it is not technically feasible to serve a 12 specialized lighting application (such 13 as a military, medical, public safety, 14 or certified historic lighting applica-15 tion) using a lamp that meets the re-

16 quirements of this subsection.
17 "(III) ADDITIONAL CRITERION.—

18To grant an exemption for a product19under this clause , the Secretary shall20include, as an additional criterion,21that the exempted product is unlikely22to be used in a general service lighting23application.

24 "(E) EXTENSION OF COVERAGE.—

	107
1	"(i) PETITION.—Any person may peti-
2	tion the Secretary to establish standards
3	for lamp shapes or bases that are excluded
4	from the definition of general service
5	lamps.
6	"(ii) INCREASED SALES OF EXEMPT-
7	ED LAMPS.—The petition shall include evi-
8	dence that the availability or sales of ex-
9	empted incandescent lamps have increased
10	significantly since the date on which the
11	standards on general service incandescent
12	lamps were established.
13	"(iii) CRITERIA.—The Secretary shall
14	grant a petition under clause (i) if the Sec-
15	retary finds that—
16	"(I) the petition presents evi-
17	dence that demonstrates that commer-
18	cial availability or sales of exempted
19	incandescent lamp types have in-
20	creased significantly since the stand-
21	ards on general service lamps were es-
22	tablished and likely are being widely
23	used in general lighting applications;
24	and

	100
1	"(II) significant energy savings
2	could be achieved by covering exempt-
3	ed products, as determined by the
4	Secretary based in part on sales data
5	provided to the Secretary from manu-
6	facturers and importers.
7	"(iv) NO PRESUMPTION.—The grant
8	of a petition under this subparagraph shall
9	create no presumption with respect to the
10	determination of the Secretary with respect
11	to any criteria under a rulemaking con-
12	ducted under this section.
13	"(v) Expedited proceeding.—If
14	the Secretary grants a petition for a lamp
15	shape or base under this subparagraph,
16	the Secretary shall—
17	"(I) conduct a rulemaking to de-
18	termine standards for the exempted
19	lamp shape or base; and
20	"(II) complete the rulemaking
21	not later than 18 months after the
22	date on which notice is provided
23	granting the petition.
24	"(F) Effective dates.—

1	"(i) IN GENERAL.—In this paragraph,
2	except as otherwise provided in a table
3	contained in subparagraph (A) or in clause
4	(ii), the term 'effective date' means the last
5	day of the month specified in the table
6	that follows October 24, 1992.
7	"(ii) Special effective dates.—
8	"(I) ER, BR, AND BPAR
9	LAMPS.—The standards specified in
10	subparagraph (A) shall apply with re-
11	spect to ER incandescent reflector
12	lamps, BR incandescent reflector
13	lamps, BPAR incandescent reflector
14	lamps, and similar bulb shapes on and
15	after January 1, 2008, or the date
16	that is 180 days after the date of en-
17	actment of the Energy Independence
18	and Security Act of 2007.
19	"(II) LAMPS BETWEEN 2.25–2.75
20	INCHES IN DIAMETER.—The stand-
21	ards specified in subparagraph (A)
22	shall apply with respect to incandes-
23	cent reflector lamps with a diameter
24	of more than 2.25 inches, but not
25	more than 2.75 inches, on and after

	110
1	the later of January 1, 2008, or the
2	date that is 180 days after the date of
3	enactment of the Energy Independ-
4	ence and Security Act of 2007.
5	"(2) Compliance with existing law.—Not-
6	with standing section $332(a)(5)$ and section $332(b)$,
7	it shall not be unlawful for a manufacturer to sell
8	a lamp that is in compliance with the law at the
9	time the lamp was manufactured.
10	"(3) RULEMAKING BEFORE OCTOBER 24,
11	1995.—
12	"(A) IN GENERAL.—Not later than 36
13	months after October 24, 1992, the Secretary
14	shall initiate a rulemaking procedure and shall
15	publish a final rule not later than the end of
16	the 54-month period beginning on October 24,
17	1992, to determine whether the standards es-
18	tablished under paragraph (1) should be
19	amended.
20	"(B) Administration.—The rule shall
21	contain the amendment, if any, and provide
22	that the amendment shall apply to products
23	manufactured on or after the 36-month period
24	beginning on the date on which the final rule is
25	published.

S.L.C.

1	"(4) RULEMAKING BEFORE OCTOBER 24,
2	2000.—
3	"(A) IN GENERAL.—Not later than 8 years
4	after October 24, 1992, the Secretary shall ini-
5	tiate a rulemaking procedure and shall publish
6	a final rule not later than 9 years and 6 months
7	after October 24, 1992, to determine whether
8	the standards in effect for fluorescent lamps
9	and incandescent lamps should be amended.
10	"(B) Administration.—The rule shall
11	contain the amendment, if any, and provide
12	that the amendment shall apply to products
13	manufactured on or after the 36-month period
14	beginning on the date on which the final rule is
15	published.
16	"(5) RULEMAKING FOR ADDITIONAL GENERAL
17	SERVICE FLUORESCENT LAMPS.—
18	"(A) IN GENERAL.—Not later than the
19	end of the 24-month period beginning on the
20	date labeling requirements under section
21	324(a)(2)(C) become effective, the Secretary
22	shall—
23	"(i) initiate a rulemaking procedure to
24	determine whether the standards in effect
25	for fluorescent lamps and incandescent

1	lamps should be amended so that the
2	standards would be applicable to additional
3	general service fluorescent lamps; and
4	"(ii) publish, not later than 18
5	months after initiating the rulemaking, a
6	final rule including the amended stand-
7	ards, if any.
8	"(B) Administration.—The rule shall
9	provide that the amendment shall apply to
10	products manufactured after a date which is 36
11	months after the date on which the rule is pub-
12	lished.
13	"(6) STANDARDS FOR GENERAL SERVICE
14	LAMPS.—
15	"(A) RULEMAKING BEFORE JANUARY 1,
16	2014.—
17	"(i) IN GENERAL.—Not later than
18	January 1, 2014, the Secretary shall ini-
19	tiate a rulemaking procedure to determine
20	whether—
21	"(I) standards in effect for gen-
22	eral service lamps should be amended;
23	and
24	"(II) the exclusions for certain
25	incandescent lamps should be main-

	115
1	tained or discontinued based, in part,
2	on excluded lamp sales collected by
3	the Secretary from manufacturers.
4	"(ii) Scope.—The rulemaking—
5	"(I) shall not be limited to incan-
6	descent lamp technologies; and
7	"(II) shall include consideration
8	of a minimum standard of 45 lumens
9	per watt for general service lamps.
10	"(iii) Amended standards.—If the
11	Secretary determines that the standards in
12	effect for general service lamps should be
13	amended, the Secretary shall publish a
14	final rule not later than January 1, 2017,
15	with an effective date that is not earlier
16	than 3 years after the date on which the
17	final rule is published.
18	"(iv) Phased-in effective
19	DATES.—The Secretary shall consider
20	phased-in effective dates under this sub-
21	paragraph after considering—
22	"(I) the impact of any amend-
23	ment on manufacturers, retiring and
24	repurposing existing equipment,

1	stranded investments, labor contracts,
2	workers, and raw materials; and
3	"(II) the time needed to work
4	with retailers and lighting designers
5	to revise sales and marketing strate-
6	gies.
7	"(v) Backstop requirement.—If
8	the Secretary fails to complete a rule-
9	making in accordance with clauses (i)
10	through (iv) or if the final rule does not
11	produce savings that are greater than or
12	equal to the savings from a minimum effi-
13	cacy standard of 45 lumens per watt, effec-
14	tive beginning January 1, 2020, the Sec-
15	retary shall prohibit the manufacture of
16	any general service lamp that does not
17	meet a minimum efficacy standard of 45
18	lumens per watt.
19	"(vi) STATE PREEMPTION.—Neither
20	section 327 nor any other provision of law
21	shall preclude California or Nevada from
22	adopting, effective beginning on or after
23	January 1, 2018—

1	"(I) a final rule adopted by the
2	Secretary in accordance with clauses
3	(i) through (iv);
4	"(II) if a final rule described in
5	subclause (I) has not been adopted,
6	the backstop requirement under
7	clause (v); or
8	"(III) in the case of California, if
9	a final rule described in subclause (I)
10	has not been adopted, any California
11	regulations relating to these covered
12	products adopted pursuant to State
13	statute in effect as of the date of en-
14	actment of the Energy Independence
15	and Security Act of 2007.
16	"(B) RULEMAKING BEFORE JANUARY 1,
17	2020.—
18	"(i) IN GENERAL.—Not later than
19	January 1, 2020, the Secretary shall ini-
20	tiate a rulemaking procedure to determine
21	whether—
22	"(I) standards in effect for gen-
23	eral service lamps should be amended;
24	and

	110
1	"(II) the exclusions for certain
2	incandescent lamps should be main-
3	tained or discontinued based, in part,
4	on excluded lamp sales data collected
5	by the Secretary from manufacturers.
6	"(ii) Scope.—The rulemaking shall
7	not be limited to incandescent lamp tech-
8	nologies.
9	"(iii) Amended standards.—If the
10	Secretary determines that the standards in
11	effect for general service lamps should be
12	amended, the Secretary shall publish a
13	final rule not later than January 1, 2022,
14	with an effective date that is not earlier
15	than 3 years after the date on which the
16	final rule is published.
17	"(iv) Phased-in effective
18	DATES.—The Secretary shall consider
19	phased-in effective dates under this sub-
20	paragraph after considering—
21	"(I) the impact of any amend-
22	ment on manufacturers, retiring and
23	repurposing existing equipment,
24	stranded investments, labor contracts,
25	workers, and raw materials; and

	117
1	"(II) the time needed to work
2	with retailers and lighting designers
3	to revise sales and marketing strate-
4	gies.
5	"(7) Federal Actions.—
6	"(A) Comments of secretary.—
7	"(i) IN GENERAL.—With respect to
8	any lamp to which standards are applicable
9	under this subsection or any lamp specified
10	in section 346, the Secretary shall inform
11	any Federal entity proposing actions that
12	would adversely impact the energy con-
13	sumption or energy efficiency of the lamp
14	of the energy conservation consequences of
15	the action.
16	"(ii) Consideration.—The Federal
17	entity shall carefully consider the com-
18	ments of the Secretary.
19	"(B) Amendment of standards.—Not-
20	with standing section $325(n)(1)$, the Secretary
21	shall not be prohibited from amending any
22	standard, by rule, to permit increased energy
23	use or to decrease the minimum required en-
24	ergy efficiency of any lamp to which standards
25	are applicable under this subsection if the ac-

118

tion is warranted as a result of other Federal 2 action (including restrictions on materials or 3 processes) that would have the effect of either 4 increasing the energy use or decreasing the en-5 ergy efficiency of the product.

6 "(8) COMPLIANCE.—

7 "(A) IN GENERAL.—Not later than the 8 date on which standards established pursuant 9 to this subsection become effective, or, with re-10 spect to high-intensity discharge lamps covered 11 under section 346, the effective date of stand-12 ards established pursuant to that section, each 13 manufacturer of a product to which the stand-14 ards are applicable shall file with the Secretary 15 a laboratory report certifying compliance with 16 the applicable standard for each lamp type.

17 "(B) CONTENTS.—The report shall include 18 the lumen output and wattage consumption for 19 each lamp type as an average of measurements 20 taken over the preceding 12-month period.

21 "(C) OTHER LAMP TYPES.—With respect 22 to lamp types that are not manufactured during 23 the 12-month period preceding the date on 24 which the standards become effective, the re-25 port shall—

	110
1	"(i) be filed with the Secretary not
2	later than the date that is 12 months after
3	the date on which manufacturing is com-
4	menced; and
5	"(ii) include the lumen output and
6	wattage consumption for each such lamp
7	type as an average of measurements taken
8	during the 12-month period.".
9	(11) Section $325(l)(4)(A)$ of the Energy Policy
10	and Conservation Act (42 U.S.C. $6295(l)(4)(A)$) (as
11	amended by section $321(a)(3)(B)$ of the Energy
12	Independence and Security Act of 2007 (121 Stat.
13	1581)) is amended by striking "only".
14	(12) Section $327(b)(1)(B)$ of the Energy Policy
15	and Conservation Act (42 U.S.C. $6297(b)(1)(B)$) (as
16	amended by section $321(d)(3)$ of the Energy Inde-
17	pendence and Security Act of 2007 (121 Stat. 1585)
18	and section 240(d)) is amended—
19	(A) in clause (i), by inserting "and" after
20	the semicolon at the end;
21	(B) in clause (ii), by striking "; and" and
22	inserting a period; and
23	(C) by striking clause (iii).

1	(13) Section 321(e) of the Energy Independ-
2	ence and Security Act of 2007 (121 Stat. 1586) is
3	amended—
4	(A) in the matter preceding paragraph (1),
5	by striking "is amended" and inserting "(as
6	amended by section 306(b)) is amended"; and
7	(B) by striking paragraphs (1) and (2) and
8	inserting the following:
9	"(1) in paragraph (5), by striking 'or' after the
10	semicolon at the end;
11	((2) in paragraph (6), by striking the period at
12	the end and inserting '; or'; and".
13	(14) Section 321(30)(C)(ii) of the Energy Pol-
14	icy and Conservation Act (42 U.S.C.
15	6291(30)(C)(ii)) (as amended by section
16	322(a)(1)(B) of the Energy Independence and Secu-
17	rity Act of 2007 (121 Stat. 1587)) is amended by
18	inserting a period after "40 watts or higher".
19	(15) Section 322(b) of the Energy Independ-
20	ence and Security Act of 2007 (121 Stat. 1588)) is
21	amended by striking "6995(i)" and inserting
22	"6295(i)".
23	(16) Section 327(c) of the Energy Policy and
24	Conservation Act (42 U.S.C. 6297(c)) (as amended
25	by sections 324(f) of the Energy Independence and

1	Security Act of 2007 (121 Stat. 1594) and section
2	235(e)(2)) is amended—
3	(A) in paragraph (6), by striking "or"
4	after the semicolon at the end;
5	(B) in paragraph (9)(B), by striking "or"
6	at the end;
7	(C) in paragraph (10), by striking the pe-
8	riod at the end and inserting a semicolon;
9	(D) by adding at the end the following:
10	"(11) is a regulation for general service lamps
11	that conforms with Federal standards and effective
12	dates; or
13	"(12) is an energy efficiency standard for gen-
14	eral service lamps enacted into law by the State of
15	Nevada prior to December 19, 2007, if the State has
16	not adopted the Federal standards and effective
17	dates pursuant to subsection (b)(1)(B)(ii).".
18	(17) Section 325(b) of the Energy Independ-
19	ence and Security Act of 2007 (121 Stat. 1596)) is
20	amended by striking "6924(c)" and inserting
21	"6294(c)".
22	(18) This subsection and the amendments made
23	by this subsection take effect as if included in the
24	Energy Independence and Security Act of 2007
25	(Public Law 110–140; 121 Stat. 1492).

1	(b) Energy Policy Act of 2005.—
2	(1) Section 325(g)(8)(C)(ii) of the Energy Pol-
3	icy and Conservation Act (42 U.S.C.
4	6295(g)(8)(C)(ii)) (as added by section $135(c)(2)(B)$
5	of the Energy Policy Act of 2005) is amended by
6	striking "20°F" and inserting " -20 °F".
7	(2) This subsection and the amendment made
8	by this subsection take effect as if included in the
9	Energy Policy Act of 2005 (Public Law 109–58; 119
10	Stat. 594).
11	(c) Energy Policy and Conservation Act.—Sec-
12	tion 343(a) of the Energy Policy and Conservation Act
13	(42 U.S.C. 6314(a)) is amended by striking "Air-Condi-
14	tioning and Refrigeration Institute' each place it appears
15	in paragraphs (4)(A) and (7) and inserting "Air-Condi-
16	tioning, Heating, and Refrigeration Institute".