

AMENDED IN SENATE JUNE 20, 2002
AMENDED IN SENATE APRIL 11, 2002
AMENDED IN SENATE SEPTEMBER 4, 2001
AMENDED IN SENATE JUNE 26, 2001
AMENDED IN ASSEMBLY APRIL 26, 2001
AMENDED IN ASSEMBLY MARCH 29, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1561

Introduced by Assembly Member Kelley

February 23, 2001

An act to amend Section 25402 of the Public Resources Code, relating to energy resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1561, as amended, Kelley. Energy efficiency standards: clothes washers.

Existing law requires the State Energy Resources Conservation and Development Commission, after one or more public hearings, to prescribe, by regulation, among other things, certain energy efficiency standards, cost-effective measures, and consumer education programs, to promote the use of energy efficient appliances whose use, as determined by the commission, requires a significant amount of energy on a statewide basis.

This bill would require the commission, not later than January 1, 2004, to amend existing regulations pertaining to energy efficiency

standards for residential clothes washers to require a ~~9.5 water use efficiency factor that would be applicable to all clothes washers~~ *these clothes washers* manufactured on or after January 1, 2007 *to be at least as efficient as commercial washers*. The bill would also require the commission, not later than April 1, ~~2003~~ 2004, to petition the federal Department of Energy for an exemption from any federal regulations governing energy efficiency standards that are applicable to residential clothes washers ~~manufactured or sold in California on or after January 1, 2004, and, not later than January 1, 2004,~~ to report to the Legislature on its progress with respect to the above requirements *not later than January 1, 2004*.

Vote: majority. Appropriation: ~~yes~~ no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Significant amounts of energy are consumed in the state
- 4 through pumping water, water treatment, and sewage treatment.
- 5 (b) Water conservation is a proven tool that will make the most
- 6 effective use of the state's limited water supply, and will conserve
- 7 energy.
- 8 (c) A significant portion of urban water demand in the state is
- 9 for residential clothes washers.
- 10 (d) Section 17138 of the Revenue and Taxation Code includes
- 11 in the description of water efficient clothes washers that qualify for
- 12 a tax credit those clothes washers that meet specified water
- 13 efficiency standards, as determined by the State Energy Resources
- 14 Conservation and Development Commission.
- 15 (e) The State Energy Resources Conservation and
- 16 Development Commission established a water energy efficiency
- 17 standard for all commercial clothes washers sold in California on
- 18 and after January 1, 2007.
- 19 (f) The federal Department of Energy regulations preempt the
- 20 state from establishing a similar minimum 9.5 water use efficiency
- 21 factor for residential clothes washers.
- 22 SEC. 2. Section 25402 of the Public Resources Code is
- 23 amended to read:



25402. The commission shall, after one or more public hearings, do all of the following, in order to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy:

(a) Prescribe, by regulation, lighting, insulation climate control system, and other building design and construction standards that increase the efficiency in the use of energy for new residential and new nonresidential buildings. The standards shall be cost effective, when taken in their entirety, and when amortized over the economic life of the structure when compared with historic practice. The commission shall periodically update the standards and adopt any revision that, in its judgment, it deems necessary. Six months after the commission certifies an energy conservation manual pursuant to subdivision (c) of Section 25402.1, no city, county, city and county, or state agency shall issue a permit for any building unless the building satisfies the standards prescribed by the commission pursuant to this subdivision or subdivision (b) of this section that are in effect on the date an application for a building permit is filed.

(b) Prescribe, by regulation, energy conservation design standards for new residential and new nonresidential buildings. The standards shall be performance standards and shall be promulgated in terms of energy consumption per gross square foot of floorspace, but may also include devices, systems, and techniques required to conserve energy. The standards shall be cost-effective when taken in their entirety, and when amortized over the economic life of the structure when compared with historic practices. The commission shall periodically review the standards and adopt any revision that, in its judgment, it deems necessary. A building that satisfies the standards prescribed pursuant to this subdivision need not comply with the standards prescribed pursuant to subdivision (a). The commission shall comply with this subdivision before January 1, 1981.

(c) (1) Prescribe, by regulation, standards for minimum levels of operating efficiency, based on a reasonable use pattern, and may prescribe other cost-effective measures, including incentive programs, fleet averaging, energy consumption labeling not preempted by federal labeling, and consumer education programs, to promote the use of energy efficient appliances whose use, as determined by the commission, requires a significant amount of energy on a statewide basis. The minimum levels of operating

1 efficiency shall be based on feasible and attainable efficiencies or
2 feasible improved efficiencies that will reduce the electrical
3 energy consumption growth rate. The standards shall become
4 effective no sooner than one year after the date of adoption or
5 revision. No new appliance manufactured on or after the effective
6 date of the standards may be sold or offered for sale in the state,
7 unless it is certified by the manufacturer thereof to be in
8 compliance with the standards. The standards shall be drawn so
9 that they do not result in any added total costs to the consumer over
10 the designed life of the appliances concerned.

11 (2) No new appliance, except for any plumbing fitting,
12 regulated under paragraph (1), which is manufactured on or after
13 July 1, 1984, may be sold, or offered for sale, in the state, unless
14 the date of the manufacture is permanently displayed in an
15 accessible place on that appliance.

16 (3) During the period of five years after the commission has
17 adopted a standard for a particular appliance under paragraph (1),
18 no increase or decrease in the minimum level of operating
19 efficiency required by the standard for that appliance shall become
20 effective, unless the commission adopts other cost-effective
21 measures for that appliance.

22 (4) Neither the commission nor any other state agency shall
23 take any action to decrease any standard adopted under this
24 subdivision on or before June 30, 1985, prescribing minimum
25 levels of operating efficiency or other energy conservation
26 measures for any appliance, unless the commission finds by a
27 four-fifths vote that such a decrease is of benefit to ratepayers, and
28 that there is significant evidence of changed circumstances. Prior
29 to January 1, 1986, the commission shall not take any action to
30 increase any standard prescribing minimum levels of operating
31 efficiency for any appliance or adopt any new standard under
32 paragraph (1). Prior to January 1, 1986, any appliance
33 manufacturer doing business in this state shall provide directly, or
34 through an appropriate trade or industry association, information,
35 as specified by the commission after consultation with
36 manufacturers doing business in the state and appropriate trade or
37 industry associations on sales of appliances so that the commission
38 may study the effects of regulations on those sales. These
39 informational requirements shall remain in effect until the
40 information is received. The trade or industry association may

1 submit sales information in an aggregated form in a manner that
2 allows the commission to carry out the purposes of the study. The
3 commission shall treat any sales information of an individual
4 manufacturer as confidential and that information shall not be a
5 public record. The commission shall not request any information
6 that cannot be reasonably produced in the exercise of due diligence
7 by the manufacturer. At least one year prior to the adoption or
8 amendment of a standard for an appliance, the commission shall
9 notify the Legislature of its intent, and the justification therefor, to
10 adopt or amend a standard for the appliance. Notwithstanding
11 paragraph (3) and this paragraph, the commission may do any of
12 the following:

13 (A) Increase the minimum level of operating efficiency in an
14 existing standard up to the level of the National Voluntary
15 Consensus Standards 90, adopted by the American Society of
16 Heating, Refrigeration, and Air Conditioning Engineers or, for
17 appliances not covered by that standard, up to the level established
18 in a similar nationwide consensus standard.

19 (B) Change the measure or rating of efficiency of any standard,
20 if the minimum level of operating efficiency remains substantially
21 the same.

22 (C) Adjust the minimum level of operating efficiency in an
23 existing standard in order to reflect changes in test procedures that
24 the standards require manufacturers to use in certifying
25 compliance, if the minimum level of operating efficiency remains
26 substantially the same.

27 (D) Readopt a standard preempted, enjoined, or otherwise
28 found legally defective by an administrative agency or a lower
29 court, if final legal action determines that the standard is valid and
30 if the standard that is readopted is not more stringent than the
31 standard that was found to be defective or preempted.

32 (E) Adopt or amend any existing or new standard at any level
33 of operating efficiency, if the Governor has declared an energy
34 emergency pursuant to Section 8558 of the Government Code.

35 (5) Notwithstanding paragraph (4), the commission may adopt
36 standards pursuant to commission order No. 84-0111-1, on or
37 before June 30, 1985.

38 (d) Recommend minimum standards of efficiency for the
39 operation of any new facility at a particular site that are technically
40 and economically feasible. No site and related facility shall be

1 certified pursuant to Chapter 6 (commencing with Section 25500),
2 unless the applicant certifies that standards recommended by the
3 commission have been considered, which certification shall
4 include a statement specifying the extent to which conformance
5 with the recommended standards will be achieved.

6 Whenever this section and Chapter 11.5 (commencing with
7 Section 19878) of Part 3 of Division 13 of the Health and Safety
8 Code are in conflict, the commission shall be governed by that
9 chapter of the Health and Safety Code to the extent of the conflict.

10 (e) The commission shall do all of the following:

11 (1) Not later than January 1, 2004, amend any regulations in
12 effect on January 1, 2003, pertaining to the energy efficiency
13 standards for residential clothes washers to require ~~a 9.5 water~~
14 ~~efficiency factor for those clothes washers manufactured on or~~
15 ~~after January 1, 2007.~~ *that residential clothes washers*
16 *manufactured on or after January 1, 2007, be at least as water*
17 *efficient as commercial clothes washers.*

18 (2) Not later than April 1, ~~2003~~ 2004, petition the federal
19 Department of Energy for an exemption from any relevant federal
20 regulations governing energy efficiency standards that are
21 applicable to residential clothes washers ~~manufactured or sold in~~
22 ~~California.~~

23 (3) Not later than January 1, 2004, report to the Legislature on
24 its progress with respect to the requirements of paragraphs (1) and
25 (2).

