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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**

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**Introduced by Assembly Member Kelley**  
*(Coauthor: Assembly Member Pavley)*

February 23, 2001

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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 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, 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, *and* to report to the Legislature on its progress with respect to the above requirements not later than January 1, ~~2004~~ 2005.

Vote: majority. Appropriation: 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 *maximum water* factor for residential clothes washers.

22 SEC. 2. Section 25402 of the Public Resources Code is  
23 amended to read:



1 25402. The commission shall, after one or more public  
2 hearings, do all of the following, in order to reduce the wasteful,  
3 uneconomic, inefficient, or unnecessary consumption of energy:

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

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

33 (c) (1) Prescribe, by regulation, standards for minimum levels  
34 of operating efficiency, based on a reasonable use pattern, and may  
35 prescribe other cost-effective measures, including incentive  
36 programs, fleet averaging, energy consumption labeling not  
37 preempted by federal labeling, and consumer education programs,  
38 to promote the use of energy efficient appliances whose use, as  
39 determined by the commission, requires a significant amount of  
40 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 a decrease is of benefit to ratepayers, and that  
28 there is significant evidence of changed circumstances. Prior to  
29 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 that residential  
14 clothes washers manufactured on or after January 1, 2007, be at  
15 least as water efficient as commercial clothes washers.

16 (2) Not later than April 1, 2004, petition the federal  
17 Department of Energy for an exemption from any relevant federal  
18 regulations governing energy efficiency standards that are  
19 applicable to residential clothes washers.

20 (3) Not later than January 1, ~~2004~~ 2005, report to the  
21 Legislature on its progress with respect to the requirements of  
22 paragraphs (1) and (2).

