111TH CONGRESS 2D Session



To improve the energy efficiency of appliances, lighting, and buildings, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BINGAMAN (for himself, Ms. MURKOWSKI, and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on ______

A BILL

To improve the energy efficiency of appliances, lighting, and buildings, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

- 4 This Act may be cited as the "National Energy Effi-
- 5 ciency Enhancement Act of 2010".

6 SEC. 2. ENERGY CONSERVATION STANDARDS.

- 7 (a) Definition of Energy Conservation Stand-
- 8 ARD.—Section 321 of the Energy Policy and Conservation
- 9 Act (42 U.S.C. 6291) is amended—

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

S.L.C.

	<u> </u>
1	cordance with test procedures pre-
2	scribed under section 323; and
3	"(II) may include a minimum
4	level of water efficiency or a maximum
5	quantity of water use, determined in
6	accordance with those test procedures.
7	"(B) INCLUSIONS.—The term 'energy con-
8	servation standard' includes—
9	"(i) 1 or more design requirements, if
10	the requirements were established—
11	"(I) on or before the date of en-
12	actment of this subclause;
13	"(II) as part of a direct final rule
14	under section $325(p)(4)$; or
15	"(III) as part of a final rule
16	pub1lished on or after January 1,
17	2012; and
18	"(ii) any other requirements that the
19	Secretary may prescribe under section
20	$325(\mathbf{r}).$
21	"(C) EXCLUSION.—The term 'energy con-
22	servation standard' does not include a perform-
23	ance standard for a component of a finished
24	covered product, unless regulation of the com-

1	ponent is specifically authorized or established
2	pursuant to this title."; and
3	(2) by adding at the end the following:
4	"(66) EER.—The term 'EER' means energy
5	efficiency ratio.
6	"(67) HSPF.—The term 'HSPF' means heat-
7	ing seasonal performance factor.".
8	(b) EER and HSPF Test Procedures.—Section
9	323(b) of the Energy Policy and Conservation Act (42)
10	U.S.C. 6293(b)) is amended by adding at the end the fol-
11	lowing:
12	"(19) EER and hspf test procedures.—
13	"(A) IN GENERAL.—Subject to subpara-
14	graph (B), for purposes of residential central
15	air conditioner and heat pump standards that
16	take effect on or before January 1, 2015—
17	"(i) the EER shall be tested at an
18	outdoor test temperature of 95 degrees
19	Fahrenheit; and
20	"(ii) the HSPF shall be calculated
21	based on Region IV conditions.
22	"(B) REVISIONS.—The Secretary may re-
23	vise the EER outdoor test temperature and the
24	conditions for HSPF calculations as part of any

1	rulemaking to revise the central air conditioner
2	and heat pump test method.".
3	(c) Central Air Conditioners and Heat
4	PUMPS.—Section 325(d) of the Energy Policy and Con-
5	servation Act (42 U.S.C. 6295(d)) is amended by adding
6	at the end the following:
7	"(4) CENTRAL AIR CONDITIONERS AND HEAT
8	PUMPS (EXCEPT THROUGH-THE-WALL CENTRAL AIR
9	CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR
10	CONDITIONING HEAT PUMPS, AND SMALL DUCT,
11	HIGH VELOCITY SYSTEMS) MANUFACTURED ON OR
12	AFTER JANUARY 1, 2015.—
13	"(A) BASE NATIONAL STANDARDS.—
14	"(i) SEASONAL ENERGY EFFICIENCY
15	RATIO.—The seasonal energy efficiency
16	ratio of central air conditioners and central
17	air conditioning heat pumps manufactured
18	on or after January 1, 2015, shall not be
19	less than the following:
20	"(I) Split Systems: 13 for central
21	air conditioners and 14 for heat
22	pumps.
23	"(II) Single Package Systems:
24	14.

	0
1	"(ii) Heating seasonal perform-
2	ANCE FACTOR.—The heating seasonal per-
3	formance factor of central air conditioning
4	heat pumps manufactured on or after Jan-
5	uary 1, 2015, shall not be less than the
6	following:
7	"(I) Split Systems: 8.2.
8	"(II) Single Package Systems:
9	8.0.
10	"(B) REGIONAL STANDARDS.—
11	"(i) Seasonal energy efficiency
12	RATIO.—The seasonal energy efficiency
13	ratio of central air conditioners and central
14	air conditioning heat pumps manufactured
15	on or after January 1, 2015, and installed
16	in States having historical average annual,
17	population weighted, heating degree days
18	less than 5,000 (specifically the States of
19	Alabama, Arizona, Arkansas, California,
20	Delaware, Florida, Georgia, Hawaii, Ken-
21	tucky, Louisiana, Maryland, Mississippi,
22	Nevada, New Mexico, North Carolina,
23	Oklahoma, South Carolina, Tennessee,
24	Texas, and Virginia) or in the District of
25	Columbia, the Commonwealth of Puerto

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

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

9

ciency advocates), as determined by the
 Secretary, to consider adding additional
 performance standards or efficiency cri teria in the forthcoming rule.

"(ii) RECOMMENDATION.—If, within 1 5 6 year of the initial convening of such a 7 the Secretary receives forum. a rec-8 ommendation submitted jointly by such 9 representative interested persons to add 1 10 or more performance standards or effi-11 ciency criteria, the Secretary shall incor-12 porate the performance standards or effi-13 ciency criteria in the rulemaking process, 14 and, if justified under the criteria estab-15 lished in this section, incorporate such per-16 formance standards or efficiency criteria in 17 the revised standard.

18 "(iii) NO RECOMMENDATION.-If no 19 such joint recommendation is made within 20 1 year of the initial convening of such a forum, the Secretary may add additional 21 22 performance standards or efficiency cri-23 teria if the Secretary finds that the bene-24 fits substantially exceed the burdens of the 25 action.

S.L.C.

1	"(E) NEW CONSTRUCTION LEVELS.—
2	"(i) IN GENERAL.—As part of any
3	final rule concerning central air condi-
4	tioner and heat pump standards published
5	after June 1, 2013, the Secretary shall de-
6	termine if the building code levels specified
7	in section $327(f)(3)(C)$ should be amended
8	subject to meeting the criteria of sub-
9	section (o) when applied specifically to new
10	construction.
11	"(ii) Effective date.—Any amend-
12	ed levels shall not take effect before Janu-
13	ary 1, 2018.
14	"(iii) Amended levels.—The final
15	rule shall contain the amended levels, if
16	any.".
17	(d) Through-the-wall Central Air Condi-
18	TIONERS, THROUGH-THE-WALL CENTRAL AIR CONDI-
19	TIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOC-
20	ITY SYSTEMS.—Section 325(d) of the Energy Policy and
21	Conservation Act (42 U.S.C. $6295(d)$) (as amended by
22	subsection (c)) is amended by adding at the end the fol-
23	lowing:
24	"(5) Standards for through-the-wall
25	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

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
23 24	or after May 1, 2013, shall be not less than the following:

"(II) Oil furnaces: 83 percent.
"(ii) Weatherized furnaces.—The
annual fuel utilization efficiency of weath-
erized gas furnaces manufactured on or
after January 1, 2015 shall be not less
than 81 percent.
"(B) REGIONAL STANDARD.—
"(i) ANNUAL FUEL UTILIZATION EF-
FICIENCY.—The annual fuel utilization ef-
ficiency of non-weatherized gas furnaces
manufactured on or after May 1, 2013,
and installed in States having historical av-
erage annual, population weighted, heating
degree days equal to or greater than 5000
(specifically the States of Alaska, Colorado,
Connecticut, Idaho, Illinois, Indiana, Iowa,
Kansas, Maine, Massachusetts, Michigan,
Minnesota, Missouri, Montana, Nebraska,
New Hampshire, New Jersey, New York,
North Dakota, Ohio, Oregon, Pennsyl-
vania, Rhode Island, South Dakota, Utah,
Vermont, Washington, West Virginia, Wis-
consin, and Wyoming) shall be not less
than 90 percent.

1	"(ii) Application of subsection
2	(0)(6).—Subsection $(0)(6)$ shall apply to
3	the regional standard set forth in this sub-
4	paragraph.
5	"(C) Amendment of standards.—
6	"(i) Non-weatherized furnaces.—
7	"(I) IN GENERAL.—Not later
8	than January 1, 2014, the Secretary
9	shall publish a final rule to determine
10	whether the standards in effect for
11	non-weatherized furnaces should be
12	amended.
13	"(II) Application.—The rule
14	shall provide that any amendments
15	shall apply to products manufactured
16	on or after January 1, 2019.
17	"(ii) Weatherized furnaces.—
18	"(I) IN GENERAL.—Not later
19	than January 1, 2017, the Secretary
20	shall publish a final rule to determine
21	whether the standard in effect for
22	weatherized furnaces should be
23	amended.
24	"(II) APPLICATION.—The rule
25	shall provide that any amendments

1	shall apply to products manufactured
2	on or after January 1, 2022.
3	"(D) New construction levels.—
4	"(i) IN GENERAL.—As part of any
5	final rule concerning furnace standards
6	published after June 1, 2013, the Sec-
7	retary shall determine if the building code
8	levels specified in section $327(f)(3)(C)$
9	should be amended subject to meeting the
10	criteria of subsection (o) when applied spe-
11	cifically to new construction.
12	"(ii) Effective date.—Any amend-
13	ed levels shall not take effect before Janu-
14	ary 1, 2018.
15	"(iii) Amended Levels.—The final
16	rule shall contain the amended levels, if
17	any.".
18	(f) Exception for Certain Building Code Re-
19	QUIREMENTS.—Section 327(f) of the Energy Policy and
20	Conservation Act (42 U.S.C. 6297(f)) is amended—
21	(1) in paragraph (3), by striking subparagraphs
22	(B) through (F) and inserting the following:
23	"(B) The code does not contain a manda-
24	tory requirement that, under all code compli-
25	ance paths, requires that the covered product

1	have an energy efficiency exceeding 1 of the fol-
2	lowing levels:
3	"(i) The applicable energy conserva-
4	tion standard established in or prescribed
5	under section 325.
6	"(ii) The level required by a regula-
7	tion of the State for which the Secretary
8	has issued a rule granting a waiver under
9	subsection (d).
10	"(C) If the energy consumption or con-
11	servation objective in the code is determined
12	using covered products, including any baseline
13	building designs against which all submitted
14	building designs are to be evaluated, the objec-
15	tive is based on the use of covered products
16	having efficiencies not exceeding—
17	"(i) for residential furnaces, central
18	air conditioners, and heat pumps, effective
19	not earlier than January 1, 2013 and until
20	such time as a level takes effect for the
21	product under clause (ii)—
22	"(I) for the States described in
23	section 325(d)(5)(B)(i)—
24	"(aa) 92 percent AFUE for
25	gas furnaces; and

1	"(bb) 14 SEER for central
2	air conditioners (not including
3	heat pumps);
4	"(II) for the States and other lo-
5	calities described in section
6	325(d)(4)(B)(i) (except for the States
7	of Arizona, California, Nevada, and
8	New Mexico)—
9	"(aa) 90 percent AFUE for
10	gas furnaces; and
11	"(bb) 15 SEER for central
12	air conditioners;
13	"(III) for the States of Arizona,
14	California, Nevada, and New Mex-
15	ico—
16	"(aa) 92 percent AFUE for
17	gas furnaces;
18	"(bb) 15 SEER for central
19	air conditioners;
20	"(cc) an EER of 12.5 for
21	air conditioners (not including
22	heat pumps) with cooling capac-
23	ity less than 45,000 Btu per
24	hour; and

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

	-
1	Heating, Refrigerating and Air-Conditioning
2	Engineers.
3	((E) If the code sets forth 1 or more com-
4	binations of items that meet the energy con-
5	sumption or conservation objective, and if 1 or
6	more combinations specify an efficiency level for
7	a covered product that exceeds the applicable
8	standards and levels specified in subparagraph
9	(B)—
10	"(i) there is at least 1 combination
11	that includes such covered products having
12	efficiencies not exceeding 1 of the stand-
13	ards or levels specified in subparagraph
14	(B); and
15	"(ii) if 1 or more combinations of
16	items specify an efficiency level for a fur-
17	nace, central air conditioner, or heat pump
18	that exceeds the applicable standards and
19	levels specified in subparagraph (B), there
20	is at least 1 combination that the State
21	has found to be reasonably achievable
22	using commercially available technologies
23	that includes such products having effi-
24	ciencies at the applicable levels specified in
25	subparagraph (C), except that no combina-

1	tion need include a product having an effi-
2	ciency less than the level specified in sub-
3	paragraph (B)(ii).
4	"(F) The energy consumption or conserva-
5	tion objective is specified in terms of an esti-
6	mated total consumption of energy (which may
7	be specified in units of energy or its equivalent
8	cost).'';
9	(2) in paragraph $(4)(B)$ —
10	(A) by inserting after "building code" the
11	first place it appears the following: "contains a
12	mandatory requirement that, under all code
13	compliance paths,"; and
14	(B) by striking "unless the" and all that
15	follows through "subsection (d)"; and
16	(3) by adding at the end the following:
17	"(5) Replacement of covered product.—
18	Paragraph (3) shall not apply to the replacement of
19	a covered product serving an existing building unless
20	the replacement results in an increase in capacity
21	greater than—
22	"(A) 12,000 Btu per hour for residential
23	air conditioners and heat pumps; or
24	"(B) 20 percent for other covered prod-
25	ucts.".

1	SEC. 3. ENERGY CONSERVATION STANDARDS FOR HEAT
2	PUMP POOL HEATERS.
3	(a) DEFINITIONS.—
4	(1) EFFICIENCY DESCRIPTOR.—Section
5	321(22) of the Energy Policy and Conservation Act
6	(42 U.S.C. 6291(22)) is amended—
7	(A) in subparagraph (E), by inserting
8	"gas-fired" before "pool heaters"; and
9	(B) by adding at the end the following:
10	"(F) For heat pump pool heaters, coeffi-
11	cient of performance of heat pump pool heat-
12	ers.".
13	(2) COEFFICIENT OF PERFORMANCE OF HEAT
14	PUMP POOL HEATERS.—Section 321 of the Energy
15	Policy and Conservation Act (42 U.S.C. 6291)) is
16	amended by inserting after paragraph (25) the fol-
17	lowing:
18	"(25A) COEFFICIENT OF PERFORMANCE OF
19	HEAT PUMP POOL HEATERS.—The term 'coefficient
20	of performance of heat pump pool heaters' means
21	the ratio of the capacity to power input value ob-
22	tained at the following rating conditions: 50.0°F db/
23	44.2°F wb outdoor air and 80.0°F entering water
24	temperatures, according to AHRI Standard 1160.".
25	(3) THERMAL EFFICIENCY OF GAS-FIRED POOL
26	HEATERS.—Section 321(26) of the Energy Policy

 2 serting "gas-fired" before "pool heaters". 3 (b) STANDARDS FOR POOL HEATERS.—Section 4 325(e)(2) of the Energy Policy and Conservation Act (42 5 U.S.C. 6295(e)(2)) is amended— 6 (1) by striking "(2) The thermal efficiency of 7 pool heaters" and inserting the following: 8 "(2) POOL HEATERS.— 9 "(A) GAS-FIRED POOL HEATERS.—The 10 thermal efficiency of gas-fired pool heaters"; 11 and 12 (2) by adding at the end the following: 13 "(B) HEAT PUMP POOL HEATERS.—Heat 14 pump pool heaters manufactured on or after 15 the date of enactment of this subparagraph 16 shall have a minimum coefficient of perform- 17 ance of 4.0.". 18 SEC. 4. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL 19 POWER SUPPLIES. 20 Section 325(u)(3) of the Energy Policy and Con- 21 servation Act (42 U.S.C. 6295(u)(3)) is amended— 22 (1) in subparagraph (A), by striking "(D)" and 23 inserting "(E)"; and 24 (2) by adding at the end the following: 	1	and Conservation Act (42 U.S.C. 6291(26)) by in-
 4 325(e)(2) of the Energy Policy and Conservation Act (42 5 U.S.C. 6295(e)(2)) is amended— (1) by striking "(2) The thermal efficiency of pool heaters" and inserting the following: 8 "(2) POOL HEATERS.— 9 "(A) GAS-FIRED POOL HEATERS.—The 10 thermal efficiency of gas-fired pool heaters"; 11 and 12 (2) by adding at the end the following: 13 "(B) HEAT PUMP POOL HEATERS.—Heat pump pool heaters manufactured on or after the date of enactment of this subparagraph 16 shall have a minimum coefficient of perform- 17 ance of 4.0.". 18 SEC. 4. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL 19 POWER SUPPLIES. 20 Section 325(u)(3) of the Energy Policy and Con- 21 servation Act (42 U.S.C. 6295(u)(3)) is amended— 22 (1) in subparagraph (A), by striking "(D)" and 23 inserting "(E)"; and 	2	serting "gas-fired" before "pool heaters".
 5 U.S.C. 6295(e)(2)) is amended— 6 (1) by striking "(2) The thermal efficiency of 7 pool heaters" and inserting the following: 8 "(2) POOL HEATERS.— 9 "(A) GAS-FIRED POOL HEATERS.—The 10 thermal efficiency of gas-fired pool heaters"; 11 and 12 (2) by adding at the end the following: 13 "(B) HEAT PUMP POOL HEATERS.—Heat 14 pump pool heaters manufactured on or after 15 the date of enactment of this subparagraph 16 shall have a minimum coefficient of performance of 4.0.". 18 sec. 4. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL 19 POWER SUPPLIES. 20 Section 325(u)(3) of the Energy Policy and Con- 21 servation Act (42 U.S.C. 6295(u)(3)) is amended— 22 (1) in subparagraph (A), by striking "(D)" and 23 inserting "(E)"; and 	3	(b) Standards for Pool Heaters.—Section
 6 (1) by striking "(2) The thermal efficiency of 7 pool heaters" and inserting the following: 8 "(2) POOL HEATERS.— 9 "(A) GAS-FIRED POOL HEATERS.—The 10 thermal efficiency of gas-fired pool heaters"; 11 and 12 (2) by adding at the end the following: 13 "(B) HEAT PUMP POOL HEATERS.—Heat 14 pump pool heaters manufactured on or after 15 the date of enactment of this subparagraph 16 shall have a minimum coefficient of perform- 17 ance of 4.0.". 18 SEC. 4. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL 19 POWER SUPPLIES. 20 Section 325(u)(3) of the Energy Policy and Con- 21 servation Act (42 U.S.C. 6295(u)(3)) is amended— 22 (1) in subparagraph (A), by striking "(D)" and 23 inserting "(E)"; and 	4	325(e)(2) of the Energy Policy and Conservation Act (42)
 pool heaters" and inserting the following: "(2) POOL HEATERS.— "(A) GAS-FIRED POOL HEATERS.—The thermal efficiency of gas-fired pool heaters"; and (2) by adding at the end the following: "(B) HEAT PUMP POOL HEATERS.—Heat pump pool heaters manufactured on or after the date of enactment of this subparagraph shall have a minimum coefficient of perform- ance of 4.0.". SEC. 4. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES. Section 325(u)(3) of the Energy Policy and Con- servation Act (42 U.S.C. 6295(u)(3)) is amended— (1) in subparagraph (A), by striking "(D)" and inserting "(E)"; and 	5	U.S.C. 6295(e)(2)) is amended—
 8 "(2) POOL HEATERS.— 9 "(A) GAS-FIRED POOL HEATERS.—The 10 thermal efficiency of gas-fired pool heaters"; 11 and 12 (2) by adding at the end the following: 13 "(B) HEAT PUMP POOL HEATERS.—Heat 14 pump pool heaters manufactured on or after 15 the date of enactment of this subparagraph 16 shall have a minimum coefficient of perform- 17 ance of 4.0.". 18 SEC. 4. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL 19 POWER SUPPLIES. 20 Section 325(u)(3) of the Energy Policy and Con- 21 servation Act (42 U.S.C. 6295(u)(3)) is amended— 22 (1) in subparagraph (A), by striking "(D)" and 23 inserting "(E)"; and 	6	(1) by striking " (2) The thermal efficiency of
 9 "(A) GAS-FIRED POOL HEATERS.—The 10 thermal efficiency of gas-fired pool heaters"; 11 and 12 (2) by adding at the end the following: 13 "(B) HEAT PUMP POOL HEATERS.—Heat 14 pump pool heaters manufactured on or after 15 the date of enactment of this subparagraph 16 shall have a minimum coefficient of perform- 17 ance of 4.0.". 18 SEC. 4. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL 19 POWER SUPPLIES. 20 Section 325(u)(3) of the Energy Policy and Con- 21 servation Act (42 U.S.C. 6295(u)(3)) is amended— 22 (1) in subparagraph (A), by striking "(D)" and 23 inserting "(E)"; and 	7	pool heaters" and inserting the following:
 10 thermal efficiency of gas-fired pool heaters"; 11 and 12 (2) by adding at the end the following: 13 "(B) HEAT PUMP POOL HEATERS.—Heat 14 pump pool heaters manufactured on or after 15 the date of enactment of this subparagraph 16 shall have a minimum coefficient of perform- 17 ance of 4.0.". 18 SEC. 4. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL 19 POWER SUPPLIES. 20 Section 325(u)(3) of the Energy Policy and Con- 21 servation Act (42 U.S.C. 6295(u)(3)) is amended— 22 (1) in subparagraph (A), by striking "(D)" and 23 inserting "(E)"; and 	8	"(2) Pool heaters.—
 11 and 12 (2) by adding at the end the following: 13 "(B) HEAT PUMP POOL HEATERS.—Heat 14 pump pool heaters manufactured on or after 15 the date of enactment of this subparagraph 16 shall have a minimum coefficient of perform- 17 ance of 4.0.". 18 SEC. 4. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL 19 POWER SUPPLIES. 20 Section 325(u)(3) of the Energy Policy and Con- 21 servation Act (42 U.S.C. 6295(u)(3)) is amended— 22 (1) in subparagraph (A), by striking "(D)" and 23 inserting "(E)"; and 	9	"(A) Gas-fired pool heaters.—The
 (2) by adding at the end the following: "(B) HEAT PUMP POOL HEATERS.—Heat pump pool heaters manufactured on or after the date of enactment of this subparagraph shall have a minimum coefficient of perform- ance of 4.0.". sec. 4. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES. Section 325(u)(3) of the Energy Policy and Con- servation Act (42 U.S.C. 6295(u)(3)) is amended— (1) in subparagraph (A), by striking "(D)" and inserting "(E)"; and 	10	thermal efficiency of gas-fired pool heaters";
 "(B) HEAT PUMP POOL HEATERS.—Heat pump pool heaters manufactured on or after the date of enactment of this subparagraph shall have a minimum coefficient of perform- ance of 4.0.". SEC. 4. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES. Section 325(u)(3) of the Energy Policy and Con- servation Act (42 U.S.C. 6295(u)(3)) is amended— (1) in subparagraph (A), by striking "(D)" and inserting "(E)"; and 	11	and
 pump pool heaters manufactured on or after the date of enactment of this subparagraph shall have a minimum coefficient of perform- ance of 4.0.". sec. 4. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES. Section 325(u)(3) of the Energy Policy and Con- servation Act (42 U.S.C. 6295(u)(3)) is amended— (1) in subparagraph (A), by striking "(D)" and inserting "(E)"; and 	12	(2) by adding at the end the following:
 15 the date of enactment of this subparagraph 16 shall have a minimum coefficient of perform- 17 ance of 4.0.". 18 SEC. 4. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL 19 POWER SUPPLIES. 20 Section 325(u)(3) of the Energy Policy and Con- 21 servation Act (42 U.S.C. 6295(u)(3)) is amended— 22 (1) in subparagraph (A), by striking "(D)" and 23 inserting "(E)"; and 	13	"(B) HEAT PUMP POOL HEATERS.—Heat
 16 shall have a minimum coefficient of perform- 17 ance of 4.0.". 18 SEC. 4. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL 19 POWER SUPPLIES. 20 Section 325(u)(3) of the Energy Policy and Con- 21 servation Act (42 U.S.C. 6295(u)(3)) is amended— 22 (1) in subparagraph (A), by striking "(D)" and 23 inserting "(E)"; and 	14	pump pool heaters manufactured on or after
 17 ance of 4.0.". 18 SEC. 4. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL 19 POWER SUPPLIES. 20 Section 325(u)(3) of the Energy Policy and Con- 21 servation Act (42 U.S.C. 6295(u)(3)) is amended— 22 (1) in subparagraph (A), by striking "(D)" and 23 inserting "(E)"; and 	15	the date of enactment of this subparagraph
 18 SEC. 4. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL 19 POWER SUPPLIES. 20 Section 325(u)(3) of the Energy Policy and Con- 21 servation Act (42 U.S.C. 6295(u)(3)) is amended— 22 (1) in subparagraph (A), by striking "(D)" and 23 inserting "(E)"; and 	16	shall have a minimum coefficient of perform-
 19 POWER SUPPLIES. 20 Section 325(u)(3) of the Energy Policy and Con- 21 servation Act (42 U.S.C. 6295(u)(3)) is amended— 22 (1) in subparagraph (A), by striking "(D)" and 23 inserting "(E)"; and 	17	ance of 4.0.".
 Section 325(u)(3) of the Energy Policy and Con- servation Act (42 U.S.C. 6295(u)(3)) is amended— (1) in subparagraph (A), by striking "(D)" and inserting "(E)"; and 	18	SEC. 4. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL
 21 servation Act (42 U.S.C. 6295(u)(3)) is amended— 22 (1) in subparagraph (A), by striking "(D)" and 23 inserting "(E)"; and 	19	POWER SUPPLIES.
 (1) in subparagraph (A), by striking "(D)" and inserting "(E)"; and 	20	Section $325(u)(3)$ of the Energy Policy and Con-
23 inserting "(E)"; and	21	servation Act (42 U.S.C. 6295(u)(3)) is amended—
	22	(1) in subparagraph (A), by striking "(D)" and
24 (2) by adding at the end the following:	23	inserting "(E)"; and
	24	(2) by adding at the end the following:

1	"(E) Nonapplication of no-load mode
2	ENERGY EFFICIENCY STANDARDS TO EXTERNAL
3	POWER SUPPLIES FOR CERTAIN SECURITY OR
4	LIFE SAFETY ALARMS OR SURVEILLANCE SYS-
5	TEMS.—
6	"(i) Definition of security or
7	LIFE SAFETY ALARM OR SURVEILLANCE
8	SYSTEM.—In this subparagraph:
9	"(I) IN GENERAL.—The term 'se-
10	curity or life safety alarm or surveil-
11	lance system' means equipment de-
12	signed and marketed to perform any
13	of the following functions (on a con-
14	tinuous basis):
15	"(aa) Monitor, detect,
16	record, or provide notification of
17	intrusion or access to real prop-
18	erty or physical assets or notifi-
19	cation of threats to life safety.
20	"(bb) Deter or control ac-
21	cess to real property or physical
22	assets, or prevent the unauthor-
23	ized removal of physical assets.
24	"(cc) Monitor, detect,
25	record, or provide notification of

	$\Delta 0$
1	fire, gas, smoke, flooding, or
2	other physical threats to real
3	property, physical assets, or life
4	safety.
5	"(II) EXCLUSION.—The term 'se-
6	curity or life safety alarm or surveil-
7	lance system' does not include any
8	product with a principal function
9	other than life safety, security, or sur-
10	veillance that—
11	"(aa) is designed and mar-
12	keted with a built-in alarm or
13	theft-deterrent feature; or
14	"(bb) does not operate nec-
15	essarily and continuously in ac-
16	tive mode.
17	"(ii) NONAPPLICATION OF NO-LOAD
18	MODE REQUIREMENTS.—The No-Load
19	Mode energy efficiency standards estab-
20	lished by this paragraph shall not apply to
21	an external power supply manufactured be-
22	fore July 1, 2017, that—
23	"(I) is an AC-to-AC external
24	power supply;

	20
1	"(II) has a nameplate output of
2	20 watts or more;
3	"(III) is certified to the Sec-
4	retary as being designed to be con-
5	nected to a security or life safety
6	alarm or surveillance system compo-
7	nent; and
8	"(IV) on establishment within
9	the External Power Supply Inter-
10	national Efficiency Marking Protocol,
11	as referenced in the 'Energy Star Pro-
12	gram Requirements for Single Voltage
13	External Ac-Dc and Ac-Ac Power
14	Supplies', published by the Environ-
15	mental Protection Agency, of a distin-
16	guishing mark for products described
17	in this clause, is permanently marked
18	with the distinguishing mark.
19	"(iii) Administration.—In carrying
20	out this subparagraph, the Secretary
21	shall—
22	"(I) require, with appropriate
23	safeguard for the protection of con-
24	fidential business information, the

S.L.C.

	21
1	submission of unit shipment data on
2	an annual basis; and
3	"(II) restrict the eligibility of ex-
4	ternal power supplies for the exemp-
5	tion provided under this subparagraph
6	on a finding that a substantial num-
7	ber of the external power supplies are
8	being marketed to or installed in ap-
9	plications other than security or life
10	safety alarm or surveillance systems.".
11	SEC. 5. PROHIBITED ACTS.
12	Section 332(a) of the Energy Policy and Conserva-
13	tion Act (42 U.S.C. 6302(a)) is amended—
14	(1) in paragraphs (1) and (5) , by striking "for
15	any manufacturer or private labeler to distribute"
16	each place it appears and inserting "for any manu-
17	facturer (or representative of a manufacturer), dis-
18	tributor, retailer, or private labeler to offer for sale
19	or distribute";
20	(2) by redesignating paragraph (6) (as added
21	by section $321(e)(3)$ of Public Law $110-140$ (121
22	Stat. (1586)) as paragraph (7); and
23	(3) in paragraph (7) (as so redesignated), by
24	striking "for any manufacturer, distributor, retailer,
25	or private labeler to distribute" and inserting "for

1	any manufacturer (or representative of a manufac-
2	turer), distributor, retailer, or private labeler to offer
3	for sale or distribute".
4	SEC. 6. OUTDOOR LIGHTING.
5	(a) DEFINITIONS.—
6	(1) COVERED EQUIPMENT.—Section $340(1)$ of
7	the Energy Policy and Conservation Act (42 U.S.C.
8	6311(1)) is amended—
9	(A) by redesignating subparagraph (L) as
10	subparagraph (O); and
11	(B) by inserting after subparagraph (K)
12	the following:
13	"(L) Pole-mounted outdoor luminaires.
14	"(M) High light output double-ended
15	quartz halogen lamps.
16	"(N) General purpose mercury vapor
17	lamps.".
18	(2) INDUSTRIAL EQUIPMENT.—Section
19	340(2)(B) of the Energy Policy and Conservation
20	Act (42 U.S.C. 6311(2)(B)) is amended—
21	(A) by striking "and" before "unfired hot
22	water"; and
23	(B) by inserting after "tanks" the fol-
24	lowing: ", pole-mounted outdoor luminaires,
25	high light output double-ended quartz halogen

1	lamps, and general purpose mercury vapor
2	lamps".
3	(3) NEW DEFINITIONS.—Section 340 of the
4	Energy Policy and Conservation Act (42 U.S.C.
5	6311) is amended by adding at the end the fol-
6	
	lowing:
7	"(24) AREA LUMINAIRE.—The term 'area lumi-
8	naire' means a luminaire intended for lighting park-
9	ing lots and general areas that—
10	"(A) is designed to mount on a pole using
11	an arm, pendant, or vertical tenon;
12	"(B) has an opaque top or sides, but may
13	contain a transmissive ornamental element;
14	"(C) has an optical aperture that is open
15	or enclosed with a flat, sag, or drop lens;
16	"(D) is mounted in a fixed position with
17	the optical aperture near horizontal, or tilted
18	up; and
19	"(E) has photometric output measured
20	using Type C photometry per IESNA LM $-75-$
21	01.
22	"(25) Decorative posttop luminaire.—The
23	term 'decorative posttop luminaire' means a lumi-
24	naire with—

1	"(A) open or transmissive sides that is de-
2	signed to be mounted directly over a pole using
3	a vertical tenon or by fitting the luminaire di-
4	rectly into the pole; and
5	"(B) photometric output measured using
6	Type C photometry per IESNA LM-75-01.
7	"(26) DUSK-TO-DAWN LUMINAIRE.—The term
8	'dusk-to-dawn luminaire' means a fluorescent, induc-
9	tion, or high intensity discharge luminaire that—
10	"(A) is designed to be mounted on a hori-
11	zontal or horizontally slanted tenon or arm;
12	"(B) has an optical assembly that is co-
13	axial with the axis of symmetry of the light
14	source;
15	"(C) has an optical assembly that is—
16	"(i) a reflector or lamp enclosure that
17	surrounds the light source with an open
18	lower aperture; or
19	"(ii) a refractive optical assembly sur-
20	rounding the light source with an open or
21	closed lower aperture;
22	"(D) contains a receptacle for a
23	photocontrol that enables the operation of the
24	light source and is either coaxial with both the
25	axis of symmetry of the light source and the op-

1	tical assembly or offset toward the mounting
2	bracket by less than 3 inches, or contains an in-
3	tegral photocontrol; and
4	"(E) has photometric output measured
5	using Type C photometry per IESNA LM-75–
6	01.
7	"(27) FLOODLIGHT LUMINAIRE.—The term
8	'floodlight luminaire' means an outdoor luminaire
9	designed with a yoke, knuckle, or other mechanism
10	allowing the luminaire to be aimed 40 degrees or
11	more with its photometric distributions established
12	with only Type B photometry in accordance with
13	IESNA LM-75, revised 2001.
14	"(28) GENERAL PURPOSE MERCURY VAPOR
15	LAMP.—The term 'general purpose mercury vapor
16	lamp' means a mercury vapor lamp (as defined in
17	section 321) that—
18	"(A) has a screw base;
19	"(B) is designed for use in general lighting
20	applications (as defined in section 321);
21	"(C) is not a specialty application mercury
22	vapor lamp; and
23	"(D) is designed to operate on a mercury
24	vapor lamp ballast (as defined in section 321)
25	or is a self- ballasted lamp.

1	"(29) High light output double-ended
2	QUARTZ HALOGEN LAMP.—The term 'high light out-
3	put double-ended quartz halogen lamp' means a
4	lamp that—
5	"(A) is designed for general outdoor light-
6	ing purposes;
7	"(B) contains a tungsten filament;
8	"(C) has a rated initial lumen value of
9	greater than $6,000$ and less than $40,000$
10	lumens;
11	"(D) has at each end a recessed single
12	contact, R7s base;
13	"(E) has a maximum overall length (MOL)
14	between 4 and 11 inches;
15	"(F) has a nominal diameter less than $^{3/4}$
16	inch (T6);
17	"(G) is designed to be operated at a volt-
18	age not less than 110 volts and not greater
19	than 200 volts or is designed to be operated at
20	a voltage between 235 volts and 300 volts;
21	"(H) is not a tubular quartz infrared heat
22	lamp; and
23	"(I) is not a lamp marked and marketed
24	as a Stage and Studio lamp with a rated life of
25	500 hours or less.

1	"(30) Mean rated lamp lumens.—The term
2	'mean rated lamp lumens' means the rated lumens
3	at—
4	"(A) 40 percent of rated lamp life for
5	metal halide, induction, and fluorescent lamps;
6	or
7	"(B) 50 percent of rated lamp life for high
8	pressure sodium lamps.
9	"(31) OUTDOOR LUMINAIRE.—The term 'out-
10	door luminaire' means a luminaire that—
11	"(A) is intended for outdoor use and suit-
12	able for wet locations; and
13	"(B) may be shipped with or without a
14	lamp.
15	"(32) Pole-mounted outdoor luminaire.—
16	"(A) IN GENERAL.—The term 'pole-mount-
17	ed outdoor luminaire' means an outdoor lumi-
18	naire that is designed to be mounted on an out-
19	door pole and is—
20	"(i) an area luminaire;
21	"(ii) a roadway and highmast lumi-
22	naire;
23	"(iii) a decorative posttop luminaire;
24	Oľ
25	"(iv) a dusk-to-dawn luminaire.

	54 10
1	"(B) EXCLUSIONS.—The term 'pole-
2	mounted outdoor luminaire' does not include—
3	"(i) a portable luminaire designed for
4	use at construction sites;
5	"(ii) a luminaire designed to be used
6	in emergency conditions that—
7	"(I) incorporates a means of
8	storing energy and a device to switch
9	the stored energy supply to emergency
10	lighting loads automatically on failure
11	of the normal power supply; and
12	"(II) is listed and labeled as
13	Emergency Lighting Equipment;
14	"(iii) a decorative gas lighting system;
15	"(iv) a luminaire designed explicitly
16	for lighting for theatrical purposes, includ-
17	ing performance, stage, film production,
18	and video production;
19	"(v) a luminaire designed as theme
20	elements in theme or amusement parks
21	and that cannot be used in most general
22	lighting applications;
23	"(vi) a luminaire designed explicitly
24	for hazardous locations meeting the re-
25	quirements of Underwriters Laboratories

	00
1	Standard 844 - 2006, 'Luminaires for Use
2	in Hazardous (Classified) Locations';
3	"(vii) a residential pole-mounted lumi-
4	naire that is not rated for commercial use
5	utilizing 1 or more lamps meeting the en-
6	ergy conservation standards established
7	under section 325(i) and mounted on a
8	post or pole not taller than 10.5 feet above
9	ground and not rated for a power draw of
10	more than 145 watts;
11	"(viii) a floodlight luminaire;
12	"(ix) an outdoor luminaire designed
13	for sports and recreational area use in ac-
14	cordance with IESNA RP-6 and utilizing
15	an 875 watt or greater metal halide lamp;
16	"(x) a decorative posttop luminaire
17	designed for using high intensity discharge
18	lamps with total lamp wattage of 150 or
19	less, or designed for using other lamp
20	types with total lamp wattage of 50 watts
21	or less;
22	"(xi) an area luminaire, roadway and
23	highmast luminaire, or dusk-to-dawn lumi-
24	naire designed for using high intensity dis-
25	charge lamps or pin-based compact fluores-

1	cent lamps with total lamp wattage of 100
2	or less, or other lamp types with total lamp
3	wattage of 50 watts or less; and
4	"(xii) an area luminaire, roadway and
5	highmast luminaire, or dusk-to-dawn lumi-
6	naire with a backlight rating less than 2
7	and with the maximum of the uplight or
8	glare rating 3 or less.
9	"(33) Roadway and highmast luminaire.—
10	The term 'roadway and highmast luminaire' means
11	a luminaire intended for lighting streets and road-
12	ways that—
13	"(A) is designed to mount on a pole by
14	clamping onto the exterior of a horizontal or
15	horizontally slanted, circular cross-section pipe
16	tenon;
17	"(B) has opaque tops or sides;
18	"(C) has an optical aperture that is open
19	or enclosed with a flat, sag or drop lens;
20	"(D) is mounted in a fixed position with
21	the optical aperture near horizontal, or tilted
22	up; and
23	"(E) has photometric output measured
24	using Type C photometry per IESNA LM-75-
25	01.

"(34) Specialty application mercury
VAPOR LAMP.—The term 'specialty application mer-
cury vapor lamp' means a mercury vapor lamp (as
defined in section 321) that is—
"(A) designed only to operate on a spe-
cialty application mercury vapor lamp ballast
(as defined in section 321); and
"(B) is marked and marketed for specialty
applications only.
"(35) TARGET EFFICACY RATING.—The term
'target efficacy rating' means a measure of luminous
efficacy of a luminaire (as defined in NEMA LE–6–
2009).
"(36) TUBULAR QUARTZ INFRARED HEAT
LAMP.—The term 'tubular quartz infrared heat
lamp' means a double-ended quartz halogen lamp
that—
"(A) is marked and marketed as an infra-
red heat lamp; and
"(B) radiates predominately in the infra-
red radiation range and in which the visible ra-
diation is not of principle interest.".
(b) STANDARDS.—Section 342 of the Energy Policy
and Conservation Act (42 U.S.C. 6313) is amended by
adding at the end the following:

"(g) Pole-mounted Outdoor Luminaires.—
"(1) TARGET EFFICACY RATING, LUMEN MAIN-
TENANCE AND POWER FACTOR REQUIREMENTS.—
"(A) DEFINITION OF MAXIMUM OF
UPLIGHT OR GLARE RATING.—In this para-
graph, the term 'maximum of uplight or glare
rating' means, for any specific outdoor lumi-
naire, the higher of the uplight rating or glare
rating of the luminaire.
"(B) REQUIREMENTS.—Each pole-mount-
ed outdoor luminaire manufactured on or after
the date that is 3 years after the date of enact-
ment of this subsection shall—
"(i) meet or exceed the target efficacy
ratings in the following table when tested
at full system input watts:

"Area, Roadway or Highmast luminaires

	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

"Decorative Posttop or Dusk-to-Dawn luminaires

	Maximum	of Uplight or Gla	are 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;

1	"(ii) use lamps that have a minimum
2	of 0.6 lumen maintenance, as determined
3	in accordance with IESNA LM-80 for
4	Solid State Lighting sources or calculated
5	as mean rated lamp lumens divided by ini-
6	tial rated lamp lumens for other light
7	sources; and
8	"(iii) have a power factor equal to or
9	greater than 0.9 at ballast full power, ex-
10	cept in the case of pole-mounted outdoor
11	luminaires designed for using high inten-
12	sity discharge lamps with a total rated
13	lamp wattage of 150 watts or less, which
14	shall have no power factor requirement.
15	"(2) Control requirements.—
16	"(A) IN GENERAL.—Except as provided in
17	subparagraph (B), each area luminaire manu-
18	factured on or after the date that is 3 years
19	after the date of enactment of this subsection
20	shall be sold—
21	"(i) with integral controls that shall
22	have the capability of operating the lumi-
23	naire at full power and a minimum of 1 re-
24	duced power level plus off, in which case

1	the power reduction shall be at least 30
2	percent of the rated lamp power; or
3	"(ii) with internal electronics and con-
4	nective wiring or hardware (including wire
5	leads, pigtails, inserts for wires, pin bases,
6	or the equivalent) that—
7	"(I) collectively enable the area
8	luminaire, if properly connected to an
9	appropriate control system, to operate
10	at full power and a minimum of 1 re-
11	duced power level plus off, in which
12	case the reduced power level shall be
13	at least 30 percent lower than the
14	rated lamp power in response to sig-
15	nals sent by controls not integral to
16	the luminaire as sold, that may be
17	connected in the field; and
18	"(II) have connections from the
19	components that are easily accessible
20	in the luminaire housing and have in-
21	structions applicable to appropriate
22	control system connections that are
23	included with the luminaire.

1	"(B) NONAPPLICATION.—The control re-
2	quirements of this paragraph shall not apply
3	to—
4	"(i) pole-mounted outdoor luminaires
5	utilizing probe-start metal halide lamps
6	with rated lamp power greater than 500
7	watts operating in non-base-up positions;
8	or
9	"(ii) pole-mounted outdoor luminaires
10	utilizing induction lamps.
11	"(C) INTEGRAL PHOTOSENSORS.—Each
12	pole-mounted outdoor luminaire sold with an in-
13	tegral photosensor shall use an electronic-type
14	photocell.
15	"(3) RULEMAKING COMMENCING NOT LATER
16	THAN 60 DAYS AFTER THE DATE OF ENACTMENT.—
17	"(A) IN GENERAL.—Not later than 60
18	days after the date of enactment of this sub-
19	section, the Secretary shall initiate a rule-
20	making procedure to determine whether the
21	standards in effect for pole-mounted outdoor
22	luminaires should be amended.
23	"(B) FINAL RULE.—
24	"(i) Publication.—The Secretary
25	shall publish a final rule containing the

1	amendments, if any, not later than Janu-
2	ary 1, 2013, or the date that is 33 months
3	after the date of enactment of this sub-
4	section, whichever is later.
5	"(ii) APPLICATION.—Any amend-
6	ments shall apply to products manufac-
7	tured on or after January 1, 2016, or the
8	date that is 3 years after the final rule is
9	published in the Federal Register, which-
10	ever is later.
11	"(C) REVIEW.—
12	"(i) IN GENERAL.—As part of the
13	rulemaking required under this paragraph,
14	the Secretary shall review and may amend
15	the definitions, exclusions, test procedures,
16	power factor standards, lumen mainte-
17	nance requirements, labeling requirements,
18	and additional control requirements, in-
19	cluding dimming functionality, for all pole-
20	mounted outdoor luminaires.
21	"(ii) FACTORS.—The review of the
22	Secretary shall include consideration of—
23	"(I) obstacles to compliance and
24	whether compliance is evaded by sub-
25	stitution of nonregulated luminaires

	10
1	for regulated luminaires or allowing
2	luminaires to comply with the stand-
3	ards established under this part based
4	on use of non-standard lamps, as pro-
5	vided for in section
6	343(a)(10)(D)(i)(II);
7	"(II) statistical data relating to
8	pole-mounted outdoor luminaires
9	that—
10	"(aa) the Secretary shall re-
11	quest not later than 120 days
12	after the date of enactment of
13	this subsection from all identifi-
14	able manufacturers of pole-
15	mounted outdoor luminaires, di-
16	rectly from manufacturers of
17	pole-mounted outdoor luminaires
18	or, in the case of members of the
19	National Electrical Manufactur-
20	ers Association, from the Na-
21	tional Electrical Manufacturers
22	Association;
23	"(bb) is considered nec-
24	essary for the rulemaking; and

1	"(cc) shall be made publicly
2	available in a manner that does
3	not reveal manufacturer identity
4	or confidential business informa-
5	tion, in a timely manner for dis-
6	cussion at any public proceeding
7	at which comment is solicited
8	from the public in connection
9	with the rulemaking, except that
10	nothing in this subclause restricts
11	the Secretary from seeking addi-
12	tional information during the
13	course of the rulemaking; and
14	"(III) phased-in effective dates
15	for different types of pole-mounted
16	outdoor luminaires that are submitted
17	to the Secretary in the manner pro-
18	vided for in section $325(p)(4)$, except
19	that the phased-in effective dates shall
20	not be subject to subparagraphs (A)
21	and (B) of this paragraph.
22	"(4) RULEMAKING BEFORE FEBRUARY 1,
23	2015.—
24	"(A) IN GENERAL.—Not later than Feb-
25	ruary 1, 2015, the Secretary shall initiate a

	-
1	rulemaking procedure to determine whether the
2	standards in effect for pole-mounted outdoor
3	luminaires should be amended.
4	"(B) FINAL RULE.—
5	"(i) Publication.—The Secretary
6	shall publish a final rule containing the
7	amendments, if any, not later than Janu-
8	ary 1, 2018.
9	"(ii) APPLICATION.—Any amend-
10	ments shall apply to products manufac-
11	tured on or after January 1, 2021.
12	"(C) Review.—
13	"(i) IN GENERAL.—As part of the
14	rulemaking required under this paragraph,
15	the Secretary shall review and may amend
16	the definitions, exclusions, test procedures,
17	power factor standards, lumen mainte-
18	nance requirements, labeling requirements,
19	and additional control requirements, in-
20	cluding dimming functionality, for all pole-
21	mounted outdoor luminaires.
22	"(ii) FACTORS.—The review of the
23	Secretary shall include consideration of—
24	"(I) obstacles to compliance and
25	whether compliance is evaded by sub-

	10
1	stitution of nonregulated luminaires
2	for regulated luminaires or allowing
3	luminaires to comply with the stand-
4	ards established under this part based
5	on use of nonstandard lamps, as pro-
6	vided for in section
7	343(a)(10)(D)(i)(II);
8	"(II) statistical data relating to
9	pole-mounted outdoor luminaires
10	that—
11	"(aa) the Secretary con-
12	siders necessary for the rule-
13	making and requests not later
14	than June 1, 2015, from all iden-
15	tifiable manufacturers of pole-
16	mounted outdoor luminaires, di-
17	rectly from manufacturers of
18	pole-mounted outdoor luminaires
19	and, in the case of members of
20	the National Electrical Manufac-
21	turers Association, from the Na-
22	tional Electrical Manufacturers
23	Association; and
24	"(bb) shall be made publicly
25	available in a manner that does

1	not reveal manufacturer identity
2	or confidential business informa-
3	tion, in a timely manner for dis-
4	cussion at any public proceeding
5	at which comment is solicited
6	from the public in connection
7	with the rulemaking, except that
8	nothing in this subclause restricts
9	the Secretary from seeking addi-
10	tional information during the
11	course of the rulemaking; and
12	"(III) phased-in effective dates
13	for different types of pole-mounted
14	outdoor luminaires that are submitted
15	to the Secretary in the manner pro-
16	vided for in section $325(p)(4)$, except
17	that the phased-in effective dates shall
18	not be subject to subparagraphs (A)
19	and (B) of this paragraph.
20	"(h) High Light Output Double-ended Quartz
21	HALOGEN LAMPS.—A high light output double-ended
22	quartz halogen lamp manufactured on or after January
23	1, 2016, shall have a minimum efficiency of—

1	"(1) 27 LPW for lamps with a minimum rated
2	initial lumen value greater than 6,000 and a max-
3	imum initial lumen value of 15,000; and
4	"(2) 34 LPW for lamps with a rated initial
5	lumen value greater than 15,000 and less than
6	40,000.
7	"(i) General Purpose Mercury Vapor Lamps.—
8	A general purpose mercury vapor lamp shall not be manu-
9	factured on or after January 1, 2016.".
10	(c) Test Methods.—Section 343(a) of the Energy
11	Policy and Conservation Act (42 U.S.C. 6314(a)) is
12	amended by adding at the end the following:
13	"(10) POLE-MOUNTED OUTDOOR
14	LUMINAIRES.—
15	"(A) IN GENERAL.—With respect to pole-
	(II) IN GENERAL. WITH respect to pole-
16	mounted outdoor luminaires to which standards
16 17	
	mounted outdoor luminaires to which standards
17	mounted outdoor luminaires to which standards are applicable under section 342, the test meth-
17 18	mounted outdoor luminaires to which standards are applicable under section 342, the test meth- ods shall be those described in this paragraph.
17 18 19	mounted outdoor luminaires to which standards are applicable under section 342, the test meth- ods shall be those described in this paragraph. "(B) PHOTOMETRIC TEST METHODS.—For
17 18 19 20	mounted outdoor luminaires to which standards are applicable under section 342, the test meth- ods shall be those described in this paragraph. "(B) PHOTOMETRIC TEST METHODS.—For photometric test methods, the methods shall be
17 18 19 20 21	mounted outdoor luminaires to which standards are applicable under section 342, the test meth- ods shall be those described in this paragraph. "(B) PHOTOMETRIC TEST METHODS.—For photometric test methods, the methods shall be those specified in—
 17 18 19 20 21 22 	mounted outdoor luminaires to which standards are applicable under section 342, the test meth- ods shall be those described in this paragraph. "(B) PHOTOMETRIC TEST METHODS.—For photometric test methods, the methods shall be those specified in— "(i) IES LM-10-96—Approved

1	"(ii) IES LM-31-95—Photometric
2	Testing of Roadway Luminaires Using In-
3	candescent Filament and High Intensity
4	Discharge Lamps;
5	"(iii) IES LM-79-08—Electrical and
6	Photometric Measurements of Solid-State
7	Lighting Products;
8	"(iv) IES LM-80-08—Measuring
9	Lumen Maintenance of LED Light
10	Sources;
11	"(v) IES LM-40-01—Life testing of
12	Fluorescent Lamps;
13	"(vi) IES LM-47-01—Life testing of
14	High Intensity Discharge (HID) Lamps;
15	"(vii) IES LM-49-01—Life testing of
16	Incandescent Filament Lamps;
17	"(viii) IES LM-60-01—Life testing
18	of Low Pressure Sodium Lamps; and
19	"(ix) IES LM-65-01—Life testing of
20	Compact Fluorescent Lamps.
21	"(C) OUTDOOR BACKLIGHT, UPLIGHT, AND
22	GLARE RATINGS.—For determining outdoor
23	backlight, uplight, and glare ratings, the classi-
24	fications shall be those specified in IES TM-

1	15–07 - Luminaire Classification System for
2	Outdoor Luminaires with Addendum A.
3	"(D) TARGET EFFICACY RATING.—For de-
4	termining the target efficacy rating, the proce-
5	dures shall be those specified in NEMA LE–6–
6	2009 – 'Procedure for Determining Target Ef-
7	ficacy Ratings (TER) for Commercial, Indus-
8	trial and Residential Luminaires,' and all of the
9	following additional criteria (as applicable):
10	"(i) The target efficacy rating shall be
11	calculated based on the initial rated lamp
12	lumen and rated watt value equivalent to
13	the lamp with which the luminaire is
14	shipped, or, if not shipped with a lamp, the
15	target efficacy rating shall be calculated
16	based on—
17	"(I) the applicable standard lamp
18	as established by subparagraph (E);
19	OF
20	"(II) a lamp that has a rated
21	wattage and rated initial lamp lumens
22	that are the same as the maximum
23	lamp watts and minimum lamp
24	lumens labeled on the luminaire, in
25	accordance with section 344(f).

1	"(ii) If the luminaire is designed to
2	operate at more than 1 nominal input volt-
3	age, the ballast input watts used in the
4	target efficacy rating calculation shall be
5	the highest value for any nominal input
6	voltage for which the ballast is designed to
7	operate.
8	"(iii) If the luminaire is a pole-mount-
9	ed outdoor luminaire that contains a bal-
10	last that is labeled to operate lamps of
11	more than 1 wattage, the luminaire shall—
12	"(I) meet or exceed the target ef-
13	ficacy rating in the table in section
14	342(g)(1)(A) calculated in accordance
15	with clause (i) for all lamp wattages
16	that the ballast is labeled to operate;
17	"(II) be constructed such that
18	the luminaire is only capable of ac-
19	cepting lamp wattages that produce
20	target efficacy ratings that meet or
21	exceed the values in the table in sec-
22	tion $342(g)(1)(A)$ calculated in ac-
23	cordance with clause (i); or
24	"(III) be rated and prominently
25	labeled for a maximum lamp wattage

	$\mathbf{J}\mathbf{\Delta}$
1	that results in the luminaire meeting
2	or exceeding the target efficacy rating
3	in the table in section $342(g)(1)(A)$
4	when calculated and labeled in accord-
5	ance with clause (i).
6	"(iv) If the luminaire is a pole-mount-
7	ed outdoor luminaire that is constructed
8	such that the luminaire will only accept an
9	ANSI Type-O lamp, the luminaire shall
10	meet or exceed the target efficacy rating in
11	the table in section $342(g)(1)(A)$ when
12	tested with an ANSI Type-O lamp.
13	"(v) If the luminaire is a pole-mount-
14	ed outdoor luminaire that is marketed to
15	use a coated lamp, the luminaire shall
16	meet or exceed the target efficacy rating in
17	the table in section $342(g)(1)(A)$ when
18	tested with a coated lamp.
19	"(vi) If the luminaire is a solid state
20	lighting pole-mounted outdoor luminaire,
21	the luminaire shall have its target efficacy
22	rating calculated based on the combination
23	of absolute luminaire lumen values and
24	input wattages that results in the lowest
25	possible target efficacy rating for any light

	00
1	source, including ranges of correlated color
2	temperature and color rendering index val-
3	ues, for which the luminaire is marketed
4	by the luminaire manufacturer.
5	"(vii) If the luminaire is a high inten-
6	sity discharge pole-mounted outdoor lumi-
7	naire using a ballast that has a ballast fac-
8	tor different than 1, the target efficacy
9	rating of the luminaire shall be calculated
10	by using the input watts needed to operate
11	the lamp at full rated power, or by using
12	the actual ballast factor of the ballast.
13	"(E) TABLE OF STANDARD LAMP TYPES.—
14	"(i) IN GENERAL.—The National
15	Electrical Manufacturers Association shall
16	develop and publish not later than 1 year
17	after the date of enactment of this para-
18	graph and thereafter maintain and regu-
19	larly update on a publicly available website
20	a table including standard lamp types by
21	wattage, ANSI code, initial lamp lumen
22	value, lamp orientation, and lamp finish.
23	"(ii) INITIAL LAMP LUMEN VALUES.—
24	The initial lamp lumen values shall—

94
"(I) be determined according to a
uniform rating method and tested ac-
cording to accepted industry practice
for each lamp that is considered for
inclusion in the table; and
"(II) in each case contained in
the table, be the lowest known initial
lamp lumen value that approximates
typical performance in representative
general outdoor lighting applications.
"(iii) Actions.—On completion of the
table required by this subparagraph and
any updates to the table—
"(I) the National Electrical Man-
ufacturers Association shall submit
the table and any updates to the Sec-
retary; and
"(II) the Secretary shall—
"(aa) publish the table and
any comments that are included
with the table in the Federal
Register;
"(bb) solicit public comment
on the table; and

1	"(cc) not later than 180
2	days after date of receipt of the
3	table, after considering the fac-
4	tors described in clause (iv),
5	adopt the table for purposes of
6	this part.
7	"(iv) Rebuttable presumption.—
8	"(I) IN GENERAL.—There shall
9	be a rebuttable presumption that the
10	table and any updates to the table
11	transmitted by the National Electrical
12	Manufacturers Association to the Sec-
13	retary meets the requirements of this
14	subparagraph, which may be rebutted
15	only if the Secretary finds by clear
16	and substantial evidence that—
17	"(aa) data have been in-
18	cluded that were not the result of
19	having applied applicable indus-
20	try standards; or
21	"(bb) lamps have been in-
22	cluded in the table that are not
23	representative of general outdoor
24	lighting applications.

	00
1	"(II) Conforming changes.—
2	If subclause (I) applies, the National
3	Electrical Manufacturers Association
4	shall conform the published table of
5	the Association to the table adopted
6	by the Secretary.
7	"(v) Nontransmission of table.—
8	If the National Electrical Manufacturers
9	Association has not submitted the table to
10	the Secretary within 1 year after the date
11	of enactment of this paragraph, the Sec-
12	retary shall develop, publish, and adopt the
13	table not later than 18 months after the
14	date of enactment of this paragraph and
15	update the table regularly.
16	"(F) Amendment of test methods
17	The Secretary may, by rule, adopt new or addi-
18	tional test methods for pole-mounted outdoor
19	luminaires in accordance with this section.".
20	(d) LABELING.—Section 344 of the Energy Policy
21	and Conservation Act (42 U.S.C. 6315) is amended—
22	(1) in subsections (d) and (e), by striking "(h)"
23	each place it appears and inserting "(i)";
24	(2) by redesignating subsections (f) through (k)
25	as subsections (g) through (l), respectively; and

(3) by inserting after subsection (e) the fol lowing:

3 "(f) LABELING RULES FOR POLE-MOUNTED OUT-4 DOOR LUMINAIRES.—

5 "(1) IN GENERAL.—Subject to subsection (i), 6 not later than 1 year after the date of enactment of 7 this paragraph, the Secretary shall establish labeling 8 rules under this part for pole-mounted outdoor 9 luminaires manufactured on or after the date on 10 which standards established under section 342(g) 11 take effect.

12 "(2) RULES.—The rules shall require—

13 "(A) for pole-mounted outdoor luminaires, 14 that the luminaire, be marked with a capital 15 letter 'P' printed within a circle in a con-16 spicuous location on both the pole-mounted lu-17 minaire and its packaging to indicate that the 18 pole-mounted outdoor luminaire conforms to the 19 energy conservation standards established in 20 section 342(g); and

21 "(B) for pole-mounted outdoor luminaires 22 that do not contain a lamp in the same ship-23 ment with the luminaire and are tested with a 24 lamp with a lumen rating exceeding the stand-25 ard lumen value specified in the table estab-

1	lished under section $343(a)(10)(E)$, that the lu-
2	minaire—
3	"(i) be labeled to identify the min-
4	imum rated initial lamp lumens and max-
5	imum rated lamp watts required to con-
6	form to the energy conservation standards
7	established in section 342(g); and
8	"(ii) bear a statement on the label
9	that states: 'Product violates Federal law
10	when installed with a standard lamp. Use
11	only a lamp that meets the minimum
12	lumens and maximum watts provided on
13	this label.' ".
14	(e) PREEMPTION.—Section 345 of the Energy Policy
15	and Conservation Act (42 U.S.C. 6316) is amended—
16	(1) in the first sentence of subsection (a), by
17	striking "The" and inserting "Except as otherwise
18	provided in this section, the"; and
19	(2) by adding at the end the following:
20	"(i) Pole-mounted Outdoor Luminaires and
21	HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ HALO-
22	gen Lamps.—
23	"(1) IN GENERAL.—Except as provided in para-
24	graph (2), section 327 shall apply to pole-mounted
25	outdoor luminaires and high light output double-

ended quartz halogen lamps to the same extent and
 in the same manner as the section applies under
 part B.

4 "(2) STATE ENERGY CONSERVATION STAND5 ARDS.—Any State energy conservation standard that
6 is adopted on or before January 1, 2015, pursuant
7 to a statutory requirement to adopt efficiency stand8 ard for reducing outdoor lighting energy use enacted
9 prior to January 31, 2008, shall not be preempted.".

10 SEC. 7. 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)) is amended by adding at the end the following:

15 "(B) TEST PROCEDURES.—The Secretary
16 may, in accordance with the requirements of
17 this subsection, prescribe test procedures for
18 any consumer product classified as a covered
19 product under section 322(b).

20 "(C) NEW OR AMENDED TEST PROCE21 DURES.—The Secretary shall direct the Na22 tional Bureau of Standards to assist in devel23 oping new or amended test procedures.

24 "(D) DIRECT FINAL RULE.—The Secretary
25 may adopt a consensus test procedure in ac-

1	cordance with the direct final rule procedure es-
2	tablished under section $325(p)(4)$.".
3	(b) Criteria for Prescribing New or Amended
4	STANDARDS.—Section 325(0) of the Energy Policy and
5	Conservation Act (42 U.S.C. 6295(o)) is amended—
6	(1) in paragraph $(2)(B)$ —
7	(A) in clause (i)—
8	(i) in subclause (III), by adding before
9	the semicolon "and the estimated impact
10	on average energy prices";
11	(ii) in subclause (VI), by striking ";
12	and" and inserting a semicolon;
13	(iii) by redesignating subclause (VII)
14	as subclause (VIII); and
15	(iv) by inserting after subclause (VI)
16	the following:
17	"(VII) the net energy, environ-
18	mental, and economic impacts due to
19	smart grid technologies or capabilities
20	in a covered product that enable de-
21	mand response or response to time-de-
22	pendent energy pricing, taking into
23	consideration the rate of use of the
24	smart grid technologies or capabilities
25	over the life of the product that is

1	likely to result from the imposition of
2	the standard; and"; and
3	(B) in clause (iii)—
4	(i) by striking "(iii) If the Secretary
5	finds" and inserting the following:
6	"(iii) REBUTTABLE PRESUMPTION.—
7	"(I) IN GENERAL.—Subject to
8	subclause (II), if the Secretary finds";
9	(ii) in subclause (I) (as designated by
10	clause (i)), by striking "three" and insert-
11	ing "4"; and
12	(iii) by striking the second sentence
13	and inserting the following:
14	"(II) MULTIPLIER FOR CERTAIN
15	PRODUCTS.—For any product with an
16	average expected useful life of less
17	than 4 years, the rebuttable presump-
18	tion described in subclause (I) shall be
19	determined using 75 percent of the
20	average expected useful life of the
21	product as a multiplier instead of 4.
22	"(III) REQUIREMENT FOR RE-
23	BUTTAL OF PRESUMPTION.—A pre-
24	sumption described in subclause (I)
25	may be rebutted only if the Secretary

1	finds, based on clear and substantial
2	evidence, that—
3	"(aa) the standard level
4	would cause substantial hardship
5	to the average consumer of the
6	product, or to manufacturers
7	supplying a significant portion of
8	the market for the product, in
9	terms of manufacturing or prod-
10	uct cost or loss of product utility
11	or features, the aggregate of
12	which outweighs the benefits of
13	the standard level;
14	"(bb) the standard and im-
15	plementing regulations cannot
16	reasonably be designed to avoid
17	or mitigate any hardship de-
18	scribed in item (aa) (including
19	through the adoption of regional
20	standards for the products identi-
21	fied in, and consistent with, para-
22	graph (6) or other reasonable
23	means consistent with this part)
24	and the hardship cannot be
25	avoided or mitigated through the

1	procedures described in section
2	504 of the Department of Energy
3	Organization Act (42 U.S.C.
4	7194); and
5	"(cc) the same or a substan-
6	tially similar hardship with re-
7	spect to a hardship described in
8	item (aa) would not occur under
9	a standard adopted in the ab-
10	sence of the presumption, but
11	that otherwise meets the require-
12	ments of this section.
13	"(IV) PROHIBITED FACTORS FOR
14	DETERMINATION.—
15	"(aa) IN GENERAL.—Except
16	as provided in item (bb), a deter-
17	mination by the Secretary that
18	the criteria triggering a presump-
19	tion described in subclause (I)
20	are not met, or that the criterion
21	for rebutting the presumption are
22	met, shall not be taken into con-
23	sideration by the Secretary in de-
24	termining whether a standard is
25	

economically justified.

01
"(bb) EXCEPTION.—Evi-
dence presented regarding the
presumption may be considered
by the Secretary in making a de-
termination described in item
(aa).''; and
(2) by adding at the end the following:
"(7) Incorporation of smart grid tech-
NOLOGIES.—The Secretary may incorporate smart
grid technologies or capabilities into standards under
this section, including through—
"(A) standards for covered products that
require specific technologies or capabilities;
"(B) standards that provide credit for
smart grid technologies or capabilities, to the
extent the smart grid technologies or capabili-
ties provide net benefits substantially equivalent
to benefits of products that meet the standards
without smart grid technologies or capabilities,
taking into consideration energy, economic, and
environmental impacts (including emissions re-
ductions from electrical generation); and
"(C) multiple performance standards or
design requirements to achieve—
"(i) the goals of—

S.L.C.

	00
1	"(I) reducing overall energy use;
2	and
3	"(II) reducing peak demand; or
4	"(ii) other smart grid goals.".
5	(c) Obtainment of Appliance Information
6	FROM MANUFACTURERS.—Section 326 of the Energy Pol-
7	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) on—
24	"(i) an annual basis; or

S.L.C.

1	"(ii) any other regular basis that is
2	not less frequent than once every 3 years.
3	"(2) Form and content of reports.—The
4	form and content of each report required by a man-
5	ufacturer of a covered product under paragraph
6	(1)—
7	"(A) may vary by product type, as deter-
8	mined by the Secretary; and
9	"(B) shall include information or data re-
10	garding—
11	"(i) the compliance by the manufac-
12	turer with respect to each requirement ap-
13	plicable pursuant to this part;
14	"(ii) the annual shipments by the
15	manufacturer of each class or category of
16	covered products, subdivided, to the extent
17	practicable, by—
18	"(I) energy efficiency, energy
19	use, and, if applicable, water use;
20	"(II) the presence or absence of
21	such efficiency related or energy con-
22	suming operational characteristics or
23	components as the Secretary deter-
24	mines to be relevant for the purposes
25	of carrying out this part; and

	67
1	"(III) the State or regional loca-
2	tion of sale for covered products for
3	which the Secretary may adopt re-
4	gional standards; and
5	"(iii) such other categories of infor-
6	mation that the Secretary determines to be
7	relevant to carry out this part, including
8	such other information that may be nec-
9	essary—
10	"(I) to establish and revise—
11	"(aa) test procedures;
12	"(bb) labeling rules; and
13	"(cc) energy conservation
14	standards;
15	"(II) to ensure compliance with
16	the requirements of this part; and
17	"(III) to estimate the impacts on
18	consumers and manufacturers of en-
19	ergy conservation standards in effect
20	as of the reporting date.
21	"(3) REQUIREMENTS OF SECRETARY IN PRO-
22	MULGATING REGULATIONS.—In promulgating regu-
23	lations under paragraph (1), the Secretary shall con-
24	sider—

1	"(A) existing public sources of information,
2	including nationally recognized certification or
3	verification programs of trade associations; and
4	"(B)(i) whether some or all of the informa-
5	tion described in paragraph (2) is submitted to
6	another Federal agency; and
7	"(ii) the means by which to minimize any
8	duplication of requests for information by Fed-
9	eral agencies.
10	"(4) Minimization of burdens on manufac-
11	TURERS.—In carrying out this subsection, the Sec-
12	retary shall exercise the authority of the Secretary
13	under this subsection in a manner designed to mini-
14	mize burdens on the manufacturers of covered prod-
15	ucts.
16	"(5) Reporting of energy information.—
17	"(A) IN GENERAL.—Subject to subpara-
18	graph (B), section 11(d) of the Energy Supply
19	and Environmental Coordination Act of 1974
20	(15 U.S.C. 796(d)) shall apply with respect to
21	information obtained under this subsection to
22	the same extent and in the same manner as
23	section 11(d) of that Act applies with respect to
24	energy information obtained under section 11 of
25	that Act.

S.L.C.

1	"(B) ADMINISTRATION.—Subparagraph
2	(A) shall apply to the extent that subparagraph
3	(A) does not conflict with the duties of the Sec-
4	retary in carrying out this part.
5	"(6) Coordination with state agencies.—
6	In adopting reporting requirements under paragraph
7	(1), the Secretary shall, to the extent practicable, co-
8	ordinate with State agencies that conduct similar
9	data gathering initiatives—
10	"(A) to ensure the uniformity of the re-
11	quirements; and
12	"(B) to mitigate reporting burdens.
13	"(7) PERIODIC REVISIONS.—In accordance with
14	each procedure and criteria required under para-
15	graph (1), the Secretary may periodically revise the
16	reporting requirements adopted under paragraph
17	(1).".
18	(d) WAIVER OF FEDERAL PREEMPTION.—Section
19	327(d)(1) of the Energy Policy and Conservation Act (42)
20	U.S.C. 6297(d)(1)) is amended—
21	(1) in subparagraph (B)—
22	(A) by inserting "(i)" before "Subject to
23	paragraphs"; and
24	(B) by adding at the end the following:

70

1 "(ii) In making a finding under clause (i), the Sec-2 retary may not reject a petition for failure of the peti-3 tioning State or river basin commission to produce con-4 fidential information maintained by any manufacturer or 5 distributor, or group or association of manufacturers or 6 distributors, that the petitioning party has requested and 7 not received."; and

8 (2)in the matter following subparagraph 9 (C)(ii), by adding at the end the following: "Not-10 withstanding the preceding sentence, the Secretary 11 may approve a waiver petition submitted by a State 12 that does not have an energy plan and forecast if 13 the waiver petition concerns a State regulation 14 adopted pursuant to a notice and comment rule-15 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:

20 "SEC. 334. PERMITTING STATES TO SEEK INJUNCTIVE EN-21FORCEMENT.

22 "(a) JURISDICTION.—The United States district
23 courts shall have original jurisdiction of a civil action seek24 ing an injunction to restrain—

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

	• -
1	((2) any person from distributing in commerce
2	any covered product that does not comply with an
3	applicable rule under section 324 or 325.
4	"(b) Authority.—
5	"(1) IN GENERAL.—Except as provided in para-
6	graph (2), an action under subsection (a) shall be
7	brought by—
8	"(A) the Commission; or
9	"(B) the attorney general of a State in the
10	name of the State.
11	"(2) Exceptions.—
12	"(A) IN GENERAL.—Notwithstanding para-
13	graph (1), only the Secretary may bring an ac-
14	tion under this section to restrain—
15	"(i) a violation of section $332(a)(3)$
16	relating to a requirement prescribed by the
17	Secretary; or
18	"(ii) a violation of section $332(a)(4)$
19	relating to a request by the Secretary
20	under section $326(b)(2)$.
21	"(B) OTHER PROHIBITED ACTS.—An ac-
22	tion under this section regarding a violation of
23	paragraph (5) or (7) of section $332(a)$ shall be
24	brought by—
25	"(i) the Secretary; or

1	"(ii) the attorney general of a State in
2	the name of the State.
3	"(c) LIMITATION.—If an action under this section is
4	brought by the attorney general of a State—
5	((1) not less than 30 days before the date of
6	commencement of the action, the State shall—
7	"(A) provide written notice to the Sec-
8	retary and the Commission; and
9	"(B) provide the Secretary and the Com-
10	mission with a copy of the complaint;
11	"(2) the Secretary and the Commission—
12	"(A) may intervene in the suit or action;
13	"(B) upon intervening, shall be heard on
14	all matters arising from the suit or action; and
15	"(C) may file petitions for appeal;
16	"(3) no separate action may be brought under
17	this section if, at the time written notice is provided
18	under paragraph (1), the same alleged violation or
19	failure to comply is the subject of a pending action,
20	or a final judicial judgment or decree, by the United
21	States under this Act; and
22	"(4) the action shall not be construed—
23	"(A) as to prevent the attorney general of
24	a State, or other authorized officer of the State,
25	from exercising the powers conferred on the at-

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

74

1 tion Act (42 U.S.C. 6297) is amended by adding at the2 end the following:

3 "(h) RECOGNITION OF ALTERNATIVE REFRIGERANT 4 USES.—With respect to State or local laws (including reg-5 ulations) prohibiting, limiting, or restricting the use of al-6 ternative refrigerants for specific end uses approved by the 7 Administrator of the Environmental Protection Agency 8 pursuant to the Significant New Alternatives Program 9 under section 612 of the Clean Air Act (42 U.S.C. 7671k) 10 for use in a covered product under section 322(a)(1) con-11 sidered on or after the date of enactment of this sub-12 section, notice shall be provided to the Administrator be-13 fore or during any State or local public comment period to provide to the Administrator an opportunity to com-14 15 ment.".

(g) TECHNICAL AMENDMENT.—Section 332(a) of the
Energy Policy and Conservation Act (42 U.S.C. 6302(a))
is amended by redesignating the second paragraph (6) as
paragraph (7).