

22

**AMENDMENT TO H.R. 3221****OFFERED BY MS. BALDWIN OF WISCONSIN**

In section 9001(a)(2), in the proposed paragraph (9), strike “Clotheswashers” and insert “A top-loading or front-loading standard-size residential clotheswasher”.

Strike section 9015 and insert the following:

1 **SEC. 9015. STANDBY MODE.**

2 Section 325 of the Energy Policy and Conservation  
3 Act (42 U.S.C. 6295) is amended—

4 (1) in subsection (u)—

5 (A) by striking paragraphs (2), (3), and  
6 (4); and

7 (B) by redesignating paragraph (5), and  
8 paragraphs (6) and (7) (as added by this Act)  
9 as paragraphs (2), (3), and (4), respectively;  
10 and

11 (2) by adding at the end the following new sub-  
12 section:

13 “(ii) **STANDBY MODE ENERGY USE.**—

14 “(1) **DEFINITIONS.**—

15 “(A) **IN GENERAL.**—Unless the Secretary  
16 determines otherwise pursuant to subparagraph

1 (B), the definitions in this subsection, for the  
2 purpose of this subsection, shall apply:

3 “(i) The term ‘active mode’ means the  
4 condition in which an energy using product  
5 is connected to a mains power source, has  
6 been activated, and provides one or more  
7 main functions.

8 “(ii) The term ‘off mode’ means the  
9 condition in which an energy using product  
10 is connected to a mains power source and  
11 is not providing any standby or active  
12 mode function.

13 “(iii) The term ‘standby mode’ means  
14 the condition in which an energy using  
15 product is connected to a mains power  
16 source and offers one or more of the fol-  
17 lowing user oriented or protective func-  
18 tions:

19 “(I) To facilitate the activation  
20 or deactivation of other functions (in-  
21 cluding active mode) by remote switch  
22 (including remote control), internal  
23 sensor, or timer.

24 “(II) Continuous functions, in-  
25 cluding information or status displays

1 (including clocks) or sensor-based  
2 functions.

3 “(B) AMENDED DEFINITIONS.—The Sec-  
4 retary may, by rule, amend the definitions  
5 under subparagraph (A), taking into consider-  
6 ation the most current versions of Standards  
7 62301 and 62087 of the International Electro-  
8 technical Commission.

9 “(2) TEST PROCEDURES.—(A) Test procedures  
10 for all covered products shall be amended pursuant  
11 to section 323 to include standby mode and off mode  
12 energy consumption, taking into consideration the  
13 most current versions of Standards 62301 and  
14 62087 of the International Electrotechnical Commis-  
15 sion, with such energy consumption integrated into  
16 the overall energy efficiency, energy consumption, or  
17 other energy descriptor for each covered product,  
18 unless the Secretary determines that—

19 “(i) the current test procedures for a cov-  
20 ered product already fully account for and in-  
21 corporate its standby mode and off mode energy  
22 consumption; or

23 “(ii) such an integrated test procedure is  
24 technically infeasible for a particular covered  
25 product, whereupon the Secretary shall promul-

1           gate a separate standby mode and off mode en-  
2           ergy use test procedure for such product, if  
3           technically feasible.

4           “(B) The test procedure amendments required  
5           by subparagraph (A) shall be prescribed in a final  
6           rule no later than the following dates:

7                   “(i) December 31, 2008, for battery char-  
8                   gers and external power supplies.

9                   “(ii) March 31, 2009, for clothes dryers,  
10                  room air conditioners, and fluorescent lamp bal-  
11                  lasts.

12                  “(iii) June 30, 2009, for residential clothes  
13                  washers.

14                  “(iv) September 30, 2009, for residential  
15                  furnaces and boilers.

16                  “(v) March 31, 2010, for residential water  
17                  heaters, direct heating equipment, and pool  
18                  heaters.

19                  “(vi) March 31, 2011, for residential dish-  
20                  washers, ranges and ovens, microwave ovens,  
21                  and dehumidifiers.

22           “(C) The test procedure amendments adopted  
23           pursuant to subparagraph (B) shall not be used to  
24           determine compliance with product standards estab-

1 lished prior to the adoption of such amended test  
2 procedures.

3 “(3) INCORPORATION INTO STANDARD.—Based  
4 on the test procedures required under paragraph  
5 (2), any final rule establishing or revising a standard  
6 for a covered product, adopted after July 1, 2010,  
7 shall incorporate standby mode and off mode energy  
8 use into a single amended or new standard, pursu-  
9 ant to subsection (o), where feasible. Where not fea-  
10 sible, the Secretary shall promulgate within such  
11 final rule a separate standard for standby mode and  
12 off mode energy consumption, if justified under sub-  
13 section (o).”.

14 **SEC. 9016. BATTERY CHARGERS.**

15 Section 325(u) is amended—

16 (1) in paragraph (1)(E)(i)—

17 (A) by inserting “(I)” after “(E)(i)”;

18 (B) by striking “battery chargers and”  
19 each place it appears; and

20 (C) by adding at the end the following new  
21 subclause:

22 “(II) Not later than July 1, 2011, the Secretary shall  
23 issue a final rule that prescribes energy conservation  
24 standards for battery chargers or classes of battery char-

1 gers or determine that no energy conservation standard  
2 is technically feasible and economically justified.”; and

3 (2) in paragraph (4), by striking “3 years” and  
4 inserting “2 years”.

5 **SEC. 9017. WALK-IN COOLERS AND WALK-IN FREEZERS.**

6 (a) **DEFINITIONS.**—Section 340 of the Energy Policy  
7 and Conservation Act (42 U.S.C. 6311) is amended—

8 (1) in paragraph (1)—

9 (A) by redesignating subparagraphs (G)  
10 through (K) as subparagraphs (H) through (L),  
11 respectively; and

12 (B) by inserting after subparagraph (F)  
13 the following:

14 “(G) Walk-in coolers and walk-in freez-  
15 ers.”;

16 (2) by redesignating paragraphs (20) and (21)  
17 as paragraphs (21) and (22), respectively; and

18 (3) by inserting after paragraph (19) the fol-  
19 lowing:

20 “(20) The terms ‘walk-in cooler’ and ‘walk-in  
21 freezer’ mean an enclosed storage space refrigerated  
22 to temperatures, respectively, above and at or below  
23 32 degrees Fahrenheit that can be walked into, and  
24 has a total chilled storage area of less than 3000  
25 square feet. These terms exclude products designed

1 and marketed exclusively for medical, scientific, or  
2 research purposes.”.

3 (b) STANDARDS.—Section 342 of the Energy Policy  
4 and Conservation Act (42 U.S.C. 6313) is amended by  
5 adding at the end the following:

6 “(f) WALK-IN COOLERS AND WALK-IN FREEZERS.—

7 (1) Each walk-in cooler or walk-in freezer manufactured  
8 on or after January 1, 2009, shall meet the following spec-  
9 ifications:

10 “(A) Have automatic door closers that firmly  
11 close all walk-in doors that have been closed to with-  
12 in one inch of full closure. This requirement does  
13 not apply to doors wider than 3 feet 9 inches or tall-  
14 er than 7 feet.

15 “(B) Have strip doors, spring hinged doors, or  
16 other method of minimizing infiltration when doors  
17 are open.

18 “(C) Contain wall, ceiling, and door insulation  
19 of at least R-25 for coolers and R-32 for freezers.  
20 Door insulation requirements do not apply to glazed  
21 portions of doors, nor to structural members.

22 “(D) Contain floor insulation of at least R-28  
23 for freezers.

24 “(E) For evaporator fan motors of under one  
25 horsepower and less than 460 volts, use either—

1           “(i) electronically commutated motors  
2           (brushless direct current motors); or

3           “(ii) three-phase motors.

4           The portion of the requirement for electronically  
5           commuted motors shall take effect January 1, 2009,  
6           unless, prior to this date, the Secretary determines  
7           that such motors are only available from one manu-  
8           facturer. The Secretary may also allow other types  
9           of motors if the Secretary determines that, on aver-  
10          age, these other motors use no more energy in evap-  
11          orator fan applications than electronically com-  
12          mutated motors. The Secretary shall establish this  
13          maximum energy consumption level no later than  
14          January 1, 2010.

15          “(F) For condenser fan motors of under one  
16          horsepower, use—

17                  “(i) electronically commutated motors;

18                  “(ii) permanent split capacitor-type mo-  
19                  tors; or

20                  “(iii) three-phase motors.

21          “(G) For all interior lights, use light sources  
22          with an efficacy of 40 lumens per watt or more, in-  
23          cluding ballast losses (if any). Light sources with an  
24          efficacy of 40 lumens per watt or less, including bal-  
25          last losses (if any), may be used in conjunction with



1 a timer or device that turns off the lights within 15  
2 minutes of when the walk-in cooler or walk-in freez-  
3 er is not occupied.

4 “(2) Each walk-in cooler or walk-in freezer with  
5 transparent reach-in doors manufactured on or after Jan-  
6 uary 1, 2009, shall also meet the following specifications:

7 “(A) Transparent reach-in doors and windows  
8 in walk-in doors for walk-in freezers shall be of tri-  
9 ple-pane glass with either heat-reflective treated  
10 glass or gas fill.

11 “(B) Transparent reach-in doors for walk-in  
12 coolers and windows in walk-in doors shall be ei-  
13 ther—

14 “(i) double-pane glass with heat-reflective  
15 treated glass and gas fill; or

16 “(ii) triple pane glass with either heat-re-  
17 flective treated glass or gas fill.

18 “(C) If the appliance has an antisweat heater  
19 without antisweat heat controls, then the appliance  
20 shall have a total door rail, glass, and frame heater  
21 power draw of no more than 7.1 watts per square  
22 foot of door opening (for freezers) and 3.0 watts per  
23 square foot of door opening (for coolers).

24 “(D) If the appliance has an antisweat heater  
25 with antisweat heat controls, and the total door rail,

1 glass, and frame heater power draw is more than 7.1  
2 watts per square foot of door opening (for freezers)  
3 and 3.0 watts per square foot of door opening (for  
4 coolers), then the antisweat heat controls shall re-  
5 duce the energy use of the antisweat heater in an  
6 amount corresponding to the relative humidity in the  
7 air outside the door or to the condensation on the  
8 inner glass pane.

9 “(3) Not later than January 1, 2012, the Sec-  
10 retary shall publish performance-based standards for  
11 walk-in coolers and walk-in freezers that achieve the  
12 maximum improvement in energy which the Sec-  
13 retary determines is technologically feasible and eco-  
14 nomically justified. Such standards shall apply to  
15 products manufactured three years after the final  
16 rule is published unless the Secretary determines, by  
17 rule, that three years is inadequate, in which case  
18 the Secretary may set an effective date for products  
19 manufactured no greater than five years after the  
20 date of publication of a final rule for these products.

21 “(4) Not later than January 1, 2020, the Sec-  
22 retary shall publish a final rule to determine if the  
23 standards established under paragraph (3) should be  
24 amended. The rule shall provide that such standards  
25 shall apply to products manufactured three years

1 after the final rule is published unless the Secretary  
2 determines, by rule, that three years is inadequate,  
3 in which case the Secretary may set an effective date  
4 for products manufactured no greater than five  
5 years after the date of publication of a final rule for  
6 these products.”.

7 (c) TEST PROCEDURES.—Section 343(a) of the En-  
8 ergy Policy and Conservation Act (42 U.S.C. 6314(a)) is  
9 amended by adding at the end the following:

10 “(9) For walk-in coolers and walk-in freezers:

11 “(A) R value is defined as 1/K factor multiplied  
12 by the thickness of the panel. K factor shall be  
13 based on ASTM test procedure C518-2004. For cal-  
14 culating R value for freezers, the K factor of the  
15 foam at 20F (average foam temperature) shall be  
16 used. For calculating R value for coolers the K fac-  
17 tor of the foam at 55F (average foam temperature)  
18 shall be used.

19 “(B) Not later than January 1, 2010, the Sec-  
20 retary shall establish a test procedure to measure  
21 the energy-use of walk-in coolers and walk-in freez-  
22 ers. Such test procedure may be based on computer  
23 modeling, if the computer model or models have  
24 been verified using the results of laboratory tests on

1 a significant sample of walk-in coolers and walk-in  
2 freezers.”.

3 (d) LABELING.—Section 344(e) of the Energy Policy  
4 and Conservation Act (42 U.S.C. 6315(e)) is amended by  
5 inserting “walk-in coolers and walk-in freezers,” after  
6 “commercial clothes washers,” each place it appears.

7 (e) ADMINISTRATION, PENALTIES, ENFORCEMENT,  
8 AND PREEMPTION.—Section 345 of the Energy Policy and  
9 Conservation Act (42 U.S.C. 6316), is amended—

10 (1) by striking “subparagraphs (B), (C), (D),  
11 (E), and (F)” and inserting “subparagraphs (B),  
12 (C), (D), (E), (F), and (G)” each place it appears;  
13 and

14 (2) by adding at the end the following:

15 “(h)(1)(A)(i) Except as provided in clause (ii) and  
16 paragraphs (2) and (3), section 327 shall apply to walk-  
17 in coolers and walk-in freezers for which standards have  
18 been established under paragraphs (1) and (2) of section  
19 342(f) to the same extent and in the same manner as the  
20 section applies under part A on the date of enactment of  
21 this subsection.

22 “(ii) Any State standard issued before the date of en-  
23 actment of this subsection shall not be preempted until  
24 the standards established under paragraphs (1) and (2)  
25 of section 342(f) take effect.

1       “(B) In applying section 327 to the equipment under  
2 subparagraph (A), paragraphs (1), (2), and (3) of sub-  
3 section (a) shall apply.

4       “(2)(A) If the Secretary does not issue a final rule  
5 for a specific type of walk-in cooler or walk-in freezer with-  
6 in the time frame specified in section 342(f)(3) or (4),  
7 subsections (b) and (c) of section 327 shall no longer apply  
8 to the specific type of walk-in cooler or walk-in freezer for  
9 the period beginning on the day after the scheduled date  
10 for a final rule and ending on the date on which the Sec-  
11 retary publishes a final rule covering the specific type of  
12 walk-in cooler or walk-in freezer.

13       “(B) Any State standard issued before the publica-  
14 tion of the final rule shall not be preempted until the  
15 standards established in the final rule take effect.

16       “(3) Any standard issued in the State of California  
17 before January 1, 2011, under Title 20 of the California  
18 Code of Regulations, which refers to walk-in coolers and  
19 walk-in freezers, for which standards have been estab-  
20 lished under paragraphs (1) and (2) of section 342(f),  
21 shall not be preempted until the standards established  
22 under paragraph (3) of section 342(f) take effect.”.

In part 2 of subtitle A of title IX, add at the end  
the following new section:

1 **SEC. 9024. METAL HALIDE LAMP FIXTURES.**

2 (a) DEFINITIONS.—Section 321 of the Energy Policy  
3 and Conservation Act (42 U.S.C. 6291) is amended by  
4 adding at the end the following:

5 “(57) The term ‘ballast’ means a device used  
6 with an electric discharge lamp to obtain necessary  
7 circuit conditions (voltage, current, and waveform)  
8 for starting and operating.

9 “(58) The term ‘metal halide lamp’ means a  
10 high intensity discharge lamp in which the major  
11 portion of the light is produced by radiation of metal  
12 halides and their products of dissociation, possibly in  
13 combination with metallic vapors.

14 “(59) The term ‘metal halide lamp fixture’  
15 means a light fixture for general lighting application  
16 designed to be operated with a metal halide lamp  
17 and a ballast for a metal halide lamp.

18 “(60) The term ‘metal halide ballast’ means a  
19 ballast used to start and operate metal halide lamps.

20 “(61) The term ‘pulse-start metal halide bal-  
21 last’ means an electronic or electromagnetic ballast  
22 that starts a pulse start metal halide lamp with high  
23 voltage pulses. Lamps are started by first providing  
24 a high voltage pulse for ionization of the gas to  
25 produce a glow discharge. To complete the starting

1 process, power is provided by the ballast to sustain  
2 the discharge through the glow-to-arc transition.

3 “(62) The term ‘probe-start metal halide bal-  
4 last’ means a ballast that starts a probe start metal  
5 halide lamp which contains a third starting electrode  
6 (probe) in the arc tube. This ballast does not gen-  
7 erally contain an igniter and instead starts lamps  
8 with high ballast open circuit voltage.

9 “(63) The term ‘electronic ballast’ means a de-  
10 vice that uses semiconductors as the primary means  
11 to control lamp starting and operation.

12 “(64) The term ‘general lighting application’  
13 means lighting that provides an interior or exterior  
14 area with overall illumination.

15 “(65) The term ‘ballast efficiency’ for a high in-  
16 tensity discharge fixture means the efficiency of a  
17 lamp and ballast combination, expressed as a per-  
18 centage, and calculated by  $\text{Efficiency} = P_{\text{out}}/P_{\text{in}}$ , as  
19 measured.  $P_{\text{out}}$  is the measured operating lamp  
20 wattage, and  $P_{\text{in}}$  is the measured operating input  
21 wattage. The lamp, and the capacitor when it is pro-  
22 vided, is to constitute a nominal system in accord-  
23 ance with the ANSI Standard C78.43-2004.  $P_{\text{in}}$  and  
24  $P_{\text{out}}$  are to be measured after lamps have been sta-  
25 bilized according to Section 4.4 of ANSI Standard

1 C82.6-2005 using a wattmeter with accuracy speci-  
2 fied in Section 4.5 of ANSI Standard C82.6-2005  
3 for ballasts with a frequency of 60 Hz, and shall  
4 have a basic accuracy of  $\pm 0.5$  percent at the higher  
5 of—

6 “(A) three times the output operating fre-  
7 quency of the ballast; or

8 “(B) 2 kHz for ballast with a frequency  
9 greater than 60 Hz.

10 The Secretary may, by rule, modify this definition if  
11 he determines that such modification is necessary or  
12 appropriate to carry out the purposes of this Act.”.

13 (b) COVERAGE.—Section 322(a) of the Energy Policy  
14 and Conservation Act (42 U.S.C. 6292(a)) is amended—

15 (1) by redesignating paragraph (19) as para-  
16 graph (20); and

17 (2) by inserting after paragraph (18) the fol-  
18 lowing:

19 “(19) Metal halide lamp fixtures.”.

20 (c) TEST PROCEDURES.—Section 323(c) of the En-  
21 ergy Policy and Conservation Act (42 U.S.C. 6293(c)) is  
22 amended by adding at the end the following:

23 “(17) Test procedures for metal halide lamp ballasts  
24 shall be based on American National Standards Institute



1 Standard C82.6-2005, entitled ‘Ballasts for High Inten-  
2 sity Discharge Lamps—Method of Measurement’.”.

3 (d) LABELING.—Section 324(a)(2) of the Energy  
4 Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is  
5 amended—

6 (1) by redesignating subparagraphs (C) through  
7 (G) as subparagraphs (D) through (H), respectively;  
8 and

9 (2) by inserting after subparagraph (B) the fol-  
10 lowing:

11 “(C) The Commission shall prescribe labeling rules  
12 under this section applicable to the covered product speci-  
13 fied in paragraph (19) of section 322(a) and to which  
14 standards are applicable under section 325. Such rules  
15 shall provide that the labeling of any metal halide lamp  
16 fixture manufactured on or after the later of January 1,  
17 2009, or nine months after enactment of this subpara-  
18 graph, will indicate conspicuously, in a manner prescribed  
19 by the Commission under subsection (b) by July 1, 2008,  
20 a capital letter ‘E’ printed within a circle on the packaging  
21 of the fixture, and on the ballast contained in such fix-  
22 ture.”.

23 (e) STANDARDS.—Section 325 of the Energy Policy  
24 and Conservation Act (42 U.S.C. 6295) is amended—

1 (1) by redesignating subsection (gg) as sub-  
2 section (hh);

3 (2) by inserting after subsection (ff) the fol-  
4 lowing:

5 “(gg) METAL HALIDE LAMP FIXTURES.—

6 “(1)(A) Metal halide lamp fixtures designed to  
7 be operated with lamps rated greater than or equal  
8 to 150 watts but less than or equal to 500 watts  
9 shall contain—

10 “(i) a pulse-start metal halide ballast with  
11 a minimum ballast efficiency of 88 percent;

12 “(ii) a magnetic probe-start ballast with a  
13 minimum ballast efficiency of 94 percent; or

14 “(iii) a non-pulse-start electronic ballast  
15 with a minimum ballast efficiency of 92 percent  
16 for wattages greater than 250 watts and a min-  
17 imum ballast efficiency of 90 percent for watt-  
18 ages less than or equal to 250 watts.

19 “(B) The standards in subparagraph (A) do not  
20 apply to fixtures with regulated lag ballasts, fixtures  
21 that use electronic ballasts that operate at 480 volts,  
22 or fixtures that meet all of the following criteria:

23 “(i) Rated only for 150 watt lamps.

1           “(ii) Rated for use in wet locations as  
2           specified by the National Electrical Code 2002,  
3           Section 410.4(A).

4           “(iii) Contain a ballast that is rated to op-  
5           erate at ambient air temperatures above 50° C  
6           as specified by UL 1029-2001.

7           “(C) The standard in subparagraph (A) shall  
8           apply to metal halide lamp fixtures manufactured on  
9           or after the later of January 1, 2009, or 9 months  
10          after the date of enactment of this subsection.

11          “(2) Not later than January 1, 2012, the Sec-  
12          retary shall publish a final rule to determine whether  
13          the standards established under paragraph (1)  
14          should be amended. Such final rule shall contain the  
15          amended standards, if any, and shall apply to prod-  
16          ucts manufactured after January 1, 2015.

17          “(3) Not later than January 1, 2019, the Sec-  
18          retary shall publish a final rule to determine whether  
19          the standards then in effect should be amended.  
20          Such final rule shall contain the amended standards,  
21          if any, and shall apply to products manufactured  
22          after January 1, 2022.

23          “(4) Notwithstanding any other provision of  
24          law, any standard established pursuant to this sub-

1 section may contain both design and performance re-  
2 quirements.”; and

3 (3) in subsection (hh), as so redesignated by  
4 paragraph (1) of this subsection, by striking “(ff)”  
5 both places it appears and inserting “(gg)”.

6 (f) EFFECT ON OTHER LAW.—Section 327(c) of the  
7 Energy Policy and Conservation Act (42 U.S.C. 6297(c))  
8 is amended—

9 (1) by striking the period at the end of para-  
10 graph (8)(B) and inserting “; and”; and

11 (2) by adding at the end the following:

12 “(9) is a regulation concerning metal halide  
13 lamp fixtures adopted by the California Energy  
14 Commission on or before January 1, 2011. If the  
15 Secretary fails to issue a final rule within 6 months  
16 after the deadlines for rulemakings in section  
17 325(gg) then, notwithstanding any other provision of  
18 this section, preemption does not apply to a regula-  
19 tion concerning metal halide lamp fixtures adopted  
20 by the California Energy Commission on or before  
21 July 1, 2015, if the Secretary misses the deadline  
22 specified in paragraph (2) of section 325(gg), or on  
23 or before July 1, 2022, if the Secretary misses the  
24 deadline specified in paragraph (3) of section  
25 325(gg).”.

Amend the table of contents accordingly.