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# A BILL FOR AN ACT

RELATING TO ENERGY EFFICIENCY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the high cost of  
2 living in Hawaii adds to the importance of adopting policies  
3 that promote and encourage energy efficiency, which can provide  
4 relief for families and businesses faced with high utility  
5 bills. Without state appliance efficiency standards to protect  
6 consumers, Hawaii residents risk losing as much as  
7 \$1,000,000,000 in unnecessary energy waste as manufacturers  
8 unload less efficient appliances that they cannot sell in other  
9 states with heightened standards. Multiple states, including  
10 California, Colorado, Connecticut, Oregon, Rhode Island,  
11 Vermont, and Washington, have adopted state appliance efficiency  
12 standards.

13           The legislature further finds that new appliance efficiency  
14 standards have the potential to save Hawaii families and  
15 businesses billions of dollars while conserving energy and water  
16 resources. According to a 2017 national study from the American  
17 Council for an Energy-Efficient Economy, Hawaii has the best



1 opportunity in the nation to save money through the  
2 implementation of appliance efficiency standards. The study  
3 found that by adopting appliance efficiency standards, Hawaii  
4 could save up to \$1,000,000,000 in electricity costs over twenty  
5 years, which is the equivalent of about \$215 annually for each  
6 Hawaii household. Although many appliances, such as  
7 refrigerators, dishwashers, and commercial air conditioners, are  
8 regulated by national appliance efficiency standards, the study  
9 found that states can save billions of dollars by adopting  
10 state-level appliance efficiency standards for appliances that  
11 are not regulated by national standards.

12 The legislature further finds that by adopting state  
13 appliance efficiency standards, the State, among other positive  
14 results, can:

- 15 (1) Provide a boost to the local economy, which occurs  
16 when consumers and businesses spend their economic  
17 savings on other goods and services;
- 18 (2) Protect consumers against manufacturers who would  
19 otherwise unload less efficient appliances that they  
20 cannot sell in other states with heightened standards;



- 1 (3) Ensure that Hawaii residents do not miss out on  
2 potential savings while progress on standards at the  
3 national level is uncertain;
- 4 (4) Improve electric system reliability and potentially  
5 reduce the need for new energy and water  
6 infrastructures based on the resulting energy and  
7 water savings;
- 8 (5) Lower electricity bills for residents and businesses;  
9 and
- 10 (6) Reduce air pollutants and greenhouse gas emissions,  
11 which can result in public health benefits and help  
12 the State meet its clean energy and climate mitigation  
13 targets.

14 Furthermore, the legislature finds that the cost of most  
15 appliances specifically listed in this Act are equal to the cost  
16 of non-compliant appliances, or available at a minimal cost  
17 premium.

18 The legislature recognizes the state of California as a  
19 leader in establishing state-level appliance efficiency  
20 standards that protect consumers and finds that the California  
21 appliance efficiency standards should be used as a model for



1 Hawaii's standards. For non-federally regulated appliances  
2 without state-level appliance efficiency standards in  
3 California, Hawaii should look to other existing standards of  
4 efficiency specifications, such as the ENERGY STAR or the U.S.  
5 Environmental Protection Agency's WaterSense program standards.

6 The purpose of this Act is to require the department of  
7 business, economic development, and tourism to adopt state  
8 appliance efficiency standards to protect consumers.

9 SECTION 2. Chapter 196, Hawaii Revised Statutes, is  
10 amended by adding a new part to be appropriately designated and  
11 to read as follows:

12 "PART . APPLIANCE EFFICIENCY STANDARDS

13 §196-A Definitions. As used in this chapter:

14 "Compensation" means money or any other valuable thing,  
15 regardless of form, received or to be received by a person for  
16 services rendered.

17 "Computer" means a device that performs logical operations  
18 and processes data. A computer includes both stationary and  
19 portable units and includes a desktop computer, a portable all-  
20 in-one, a notebook computer, a mobile gaming system, a high  
21 expandability computer, a small-scale server, a thin client, and



1 a workstation. Although a computer is capable of using input  
2 devices and displays, such devices are not required to be  
3 included with the computer when the computer is shipped. A  
4 computer is composed of, at a minimum:

- 5 (1) A central processing unit (CPU) to perform operations  
6 or, if no CPU is present, then the device must  
7 function as a client gateway to a server and the  
8 server acts as a computational CPU;
- 9 (2) Ability to support user input devices such as a  
10 keyboard, mouse, or touchpad; and
- 11 (3) An integrated display screen or the ability to support  
12 an external display screen to output information.

13 The term "computer" does not include a tablet, a game  
14 console, a television, a small computer device, a server other  
15 than a small-scale server, or an industrial computer.

16 "Computer monitor" means an analog or digital device of  
17 diagonal screen size greater than or equal to seventeen inches  
18 and less than or equal to sixty-one inches, that has a pixel  
19 density of greater than five thousand pixels per square inch,  
20 and that is designed primarily for the display of computer  
21 generated signals for viewing by one person in a desk-based



1 environment. A computer monitor is composed of a display screen  
2 and associated electronics. A computer monitor does not  
3 include:

- 4 (1) Displays with integrated or replaceable batteries  
5 designed to support primary operation without AC mains  
6 or external DC power, such as electronic readers,  
7 mobile phones, tablets, or battery-powered digital  
8 picture frames; or  
9 (2) A television or a signage display.

10 "Director" means the director of business, economic  
11 development, and tourism.

12 "Faucet" means a lavatory faucet, kitchen faucet, metering  
13 faucet, or replacement aerator for a lavatory or kitchen faucet.

14 "High color rendering index (CRI) fluorescent lamp" means a  
15 fluorescent lamp with a color rendering index of eighty-seven or  
16 greater that is not a compact fluorescent lamp.

17 "Showerhead" means a device through which water is  
18 discharged for a shower bath. Showerhead includes any  
19 showerhead, including a handheld showerhead, except a safety  
20 showerhead.



1 "Spray sprinkler body" means the exterior case or shell of  
2 a sprinkler incorporating a means of connection to the piping  
3 system designed to convey water to a nozzle or orifice.

4 §196-B Purpose. The purpose of this part is to direct the  
5 department to adopt minimum appliance efficiency standards for  
6 certain products sold or installed in the State.

7 §196-C Rules. The director shall adopt rules pursuant to  
8 chapter 91 establishing minimum efficiency standards for the  
9 types of new products set forth in section 196-D.

10 §196-D Scope. (a) The director shall adopt appliance  
11 efficiency standards for the following appliances, if standards  
12 for these appliances are not preempted by federal law:

- 13 (1) Computers and monitors;
- 14 (2) Faucets;
- 15 (3) High CRI fluorescent lamps;
- 16 (4) Showerheads; and
- 17 (5) Spray sprinkler bodies.

18 (b) This section shall apply to the sale and offering for  
19 sale, lease, or rent of appliances under subsection (a) in the  
20 State.

21 (c) This section shall not apply to:



- 1 (1) New products manufactured in the State and sold
- 2 outside the State;
- 3 (2) New products manufactured outside the State and sold
- 4 at wholesale inside the State for final retail sale
- 5 and installation outside the State;
- 6 (3) Products installed in mobile manufactured homes at the
- 7 time of construction; or
- 8 (4) Products designed expressly for installation and use
- 9 in recreational vehicles.

10 If any standard adopted by the director pursuant to this  
 11 chapter is subsequently preempted by federal law, all other  
 12 state appliance efficiency standards not preempted shall remain  
 13 in effect.

14 **§196-E Appliance efficiency standards.** (a) The rules  
 15 adopted by the director pursuant to this section shall provide  
 16 for the following minimum efficiency standards:

- 17 (1) Computers and computer monitors shall meet the
- 18 requirements set forth in California Code of
- 19 Regulations, Title 20, Section 1605.3, as in effect on
- 20 July 1, 2019;





- 1           (2)   Faucets shall meet the minimum efficiency standards
- 2                   set forth in California Code of Regulations, Title 20,
- 3                   Section 1605.1, as in effect on July 1, 2019;
- 4           (3)   High CRI fluorescent lamps shall meet the minimum
- 5                   efficacy requirements contained in Section
- 6                   430.32(n) (4) of Title 10 of the Code of Federal
- 7                   Regulations as in effect on January 3, 2017, as
- 8                   measured in accordance with Appendix R to Subpart B of
- 9                   Part 430 of Title 10 of the Code of Federal
- 10                  Regulations—"Uniform Test Method for Measuring Average
- 11                  Lamp Efficacy (LE), Color Rendering Index (CRI), and
- 12                  Correlated Color Temperature (CCT) of Electric Lamps"—
- 13                  as in effect on January 3, 2017;
- 14           (4)   Showerheads shall meet the minimum efficiency
- 15                   standards set forth in California Code of Regulations,
- 16                   Title 20, Section 1605.1, as in effect on July 1,
- 17                   2019; and
- 18           (5)   Spray sprinkler bodies that are not specifically
- 19                   excluded from the scope of the WaterSense
- 20                   Specification for Spray Sprinkler Bodies, Version 1.0,
- 21                   shall include an integral pressure regulator and shall



1 meet the water efficiency and performance criteria and  
2 other requirements of that specification, as in effect  
3 on July 1, 2019.

4 (b) When adopting standards for appliances pursuant to  
5 section 196-D(a), the director shall set appliance efficiency  
6 standards upon a determination that increased efficiency  
7 standards would serve to promote energy or water conservation in  
8 the State and would be cost effective for consumers who purchase  
9 and use such new products.

10 **§196-F Implementation.** (a) On or after January 1, 2021,  
11 no new computer or computer monitor, faucet, high CRI  
12 fluorescent lamp, showerhead, or spray sprinkler body may be  
13 sold or offered for sale, lease, or rent in the State unless the  
14 efficiency of the new product meets or exceeds the efficiency  
15 standards provided in section 196-E.

16 (b) One year after the date upon which the sale or  
17 offering for sale of certain products becomes subject to the  
18 requirements of subsection (a), no such products may be  
19 installed for compensation in the state unless the efficiency of  
20 the new product meets or exceeds the efficiency standards  
21 provided in section 196-E.



1           **§196-G New and revised standards.** The director may adopt  
2 rules pursuant to chapter 91 to establish increased efficiency  
3 standards for the products listed or incorporated in section  
4 196-D. The department may also establish standards for products  
5 not specifically listed in section 196-D. In considering such  
6 new or amended standards, the director shall set efficiency  
7 standards upon a determination that increased efficiency  
8 standards would serve to promote energy or water conservation in  
9 the State and would be cost effective for consumers who purchase  
10 and use such new products; provided that no new or increased  
11 efficiency standards shall become effective within one year  
12 following the adoption of any amended regulations establishing  
13 such increased efficiency standards.

14           **§196-H Protection against repeal of federal standards.**

15 (a) If any of the energy or water conservation standards issued  
16 or approved for publication by the Office of the United States  
17 Secretary of Energy as of January 19, 2017, pursuant to the  
18 Energy Policy and Conservation Act (Parts 430-431 of Title 10 of  
19 the Code of Federal Regulations), are withdrawn, repealed, or  
20 otherwise voided, the minimum energy or water efficiency level  
21 permitted for products previously subject to federal energy or



1 water conservation standards shall be the previously applicable  
2 federal standards, and no such new product may be sold or  
3 offered for sale, lease, or rent in the State unless it meets or  
4 exceeds such standards.

5 (b) This section shall not apply to any federal energy or  
6 water conservation standard set aside by a court upon the  
7 petition of a person who will be adversely affected, as provided  
8 in Section 6306(b) of Title 42 of the United States Code.

9 **§196-I Testing, certification, labeling, and enforcement.**

10 (a) The manufacturers of products covered by this part shall  
11 test samples of their products in accordance with the test  
12 procedures adopted pursuant to this part. The director may  
13 adopt updated test methods when new versions of test procedures  
14 become available.

15 (b) Manufacturers of new products covered by section 196-D  
16 of this part shall certify to the director that such products  
17 are in compliance with the provisions of this part. Such  
18 certifications shall be based on test results. The director  
19 shall promulgate rules, pursuant to chapter 91, governing the  
20 certification of such products and shall coordinate with the



1 certification programs of other states and federal agencies with  
2 similar standards.

3 (c) Manufacturers of new products covered by section 196-D  
4 of this part shall identify each product offered for sale or  
5 installation in the State that is in compliance with the  
6 provisions of this part by means of a mark, label, or tag on the  
7 product and packaging at the time of sale or installation. The  
8 director shall promulgate rules, pursuant to chapter 91,  
9 governing the identification of such products and packaging,  
10 which shall be coordinated to the greatest practical extent with  
11 the labeling programs of other states and federal agencies with  
12 equivalent efficiency standards. The director shall allow the  
13 use of existing marks, labels, or tags, which connote compliance  
14 with the efficiency requirements of this part.

15 (d) The director may test products covered by section 196-  
16 D. If products so tested are found not to be in compliance with  
17 the minimum efficiency standards established under section 196-  
18 E, the director shall:

19 (1) Charge the manufacturer of such product for the cost  
20 of product purchase and testing, and



1           (2) Make information available to the attorney general and  
2           the public on products found not to be in compliance  
3           with the standards.

4           (e) With prior notice and at reasonable and convenient  
5 hours, the director may cause periodic inspections to be made of  
6 distributors or retailers of new products covered by section  
7 196-D in order to determine compliance with the provisions of  
8 this part.

9           (f) The director shall investigate complaints received  
10 concerning violations of this part and shall report the results  
11 of such investigations to the attorney general. The attorney  
12 general may institute proceedings to enforce the provisions of  
13 this part. Any manufacturer, distributor, or retailer, or any  
14 person who installs a product covered by this part for  
15 compensation and who violates any provision of this part shall  
16 be issued a warning by the director for any first violation and  
17 subject to a civil penalty of up to \$100 for each offense.  
18 Repeat violations shall be subject to a civil penalty of not  
19 more than \$500 for each offense. Each violation shall  
20 constitute a separate offense, and each day that such violation  
21 continues shall constitute a separate offense. Penalties



1 assessed under this paragraph are in addition to costs assessed  
2 under section 196-I(d).

3 (g) The director may adopt such further rules, pursuant to  
4 chapter 91, as necessary to ensure the proper implementation and  
5 enforcement of the provisions of this part."

6 SECTION 3. This Act does not affect rights and duties that  
7 matured, penalties that were incurred, and proceedings that were  
8 begun before its effective date.

9 SECTION 4. If any provision of this Act, or the  
10 application thereof to any person or circumstance, is held  
11 invalid, the invalidity does not affect other provisions or  
12 applications of the Act that can be given effect without the  
13 invalid provision or application, and to this end the provisions  
14 of this Act are severable.

15 SECTION 5. In codifying the new sections added by section  
16 2 of this Act, the revisor of statutes shall substitute  
17 appropriate section numbers for the letters used in designating  
18 the new sections in this Act.

19 SECTION 6. This Act shall take effect on July 1, 2100.



**Report Title:**

DBEDT; Appliance Efficiency Standards

**Description:**

Requires the Department of Business, Economic Development, and Tourism to adopt state appliance efficiency standards. (HB556 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

