

P.L. 2021, CHAPTER 464, *approved January 18, 2022*  
Assembly, No. 5160 (*Third Reprint*)

1 AN ACT establishing minimum energy and water efficiency  
2 standards for certain products sold, offered for sale, or leased, in  
3 the State and supplementing Title <sup>1</sup>**[48]** 52<sup>1</sup> of the Revised  
4 Statutes.

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

- 8  
9 1. The Legislation finds and declares that:
- 10 (a) Energy efficiency standards for certain products sold or  
11 installed in the <sup>2</sup>**[state]** State<sup>2</sup> assure consumers and businesses that  
12 such products meet minimum efficiency performance levels,  
13 thereby reducing energy and water waste and saving consumers and  
14 businesses money on their utility bills;
- 15 (b) Energy efficiency standards save energy and therefore  
16 reduce climate-changing emissions and other environmental  
17 impacts associated with the production, distribution, and use of  
18 electricity, natural gas, and other fuels;
- 19 (c) Energy efficiency standards save water, mitigate the effects  
20 of short- and long-term droughts, and help to conserve fresh water  
21 supplies;
- 22 (d) Energy efficiency standards produce savings resulting from  
23 more efficient products that benefit all consumers but are especially  
24 important to low-income families which spend a disproportionate  
25 share of their income on utilities. Such standards also help the State  
26 and local economy since savings can be instead spent on local  
27 goods and services; and
- 28 (e) Energy and water savings help reduce or delay the need for  
29 expensive investments in new power plants, transmission lines,  
30 distribution system upgrades, new and expanded gas pipelines, and  
31 water and sewer infrastructure improvements.

32  
33 <sup>2</sup>**[2.** As used in this act:

34 “Air purifier” means an electric, cord-connected, portable  
35 appliance with the primary function of removing particulate matter  
36 from the air and which can be moved from room to room.

**EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup>Assembly ATU committee amendments adopted February 24, 2021.

<sup>2</sup>Senate SBA committee amendments adopted November 8, 2021.

<sup>3</sup>Senate floor amendments adopted December 2, 2021.

1 “Cold temperature fluorescent lamp” means a fluorescent bulb or  
2 lamp that is not a compact fluorescent lamp and which:

3 (a) is designed to start at -20°F when used with a ballast  
4 conforming to the requirements of the American National Standard  
5 ANSI C78.81 and ANSI C78.901; and

6 (b) is designated as a cold temperature lamp both in markings on  
7 the lamp and in marketing materials, including catalogs, sales  
8 literature, and promotional material.

9 “Commercial dishwasher” means a machine designed to clean  
10 and sanitize plates, pots, pans, glasses, cups, bowls, utensils, and  
11 trays by applying sprays of detergent solution and a sanitizing rinse.

12 “Commercial fryer” means an appliance in which oil is placed to  
13 such a depth that the cooking food is supported by displacement of  
14 the cooking fluid rather than by the bottom of the vessel, and in  
15 which heat is delivered to the cooking fluid by means of an  
16 immersed electric element or by heat transfer from gas burners.

17 “Commercial hot-food holding cabinet” means a heated, fully  
18 enclosed compartment with one or more solid or transparent doors  
19 designed to maintain the temperature of cooked food.

20 “Commercial hot-food holding cabinet” shall not include heated  
21 glass merchandizing cabinets, drawer warmers, or cook-and-hold  
22 appliances.

23 “Commercial oven” means a chamber designed for heating,  
24 roasting, or baking food by conduction, convection, radiation, or  
25 electromagnetic energy.

26 “Commercial steam cooker,” means a device also known as a  
27 “compartment steamer,” with one or more food-steaming  
28 compartments in which the energy in the steam is transferred to the  
29 food by direct contact.

30 “Commissioner” means the Commissioner of Community  
31 Affairs.

32 “Computer” means a computer as defined in California Code of  
33 Regulations, Title 20, Section 1602(v).

34 “Computer monitor” means a computer monitor as defined in  
35 California Code of Regulations, Title 20, Section 1602(v).

36 “Dual-flush effective flush volume” means the average flush  
37 volume of two reduced flushes and one full flush.

38 “Dual-flush tank-type toilet” means a toilet that allows the user  
39 to flush the toilet with either a reduced or a full volume of water.

40 “Electric vehicle service equipment” means the same as the term  
41 is defined in section 2 of P.L.2019, c.362 (C.48:25-2).

42 “Faucet” means a private lavatory faucet, residential kitchen  
43 faucet, metering faucet, public lavatory faucet, or replacement  
44 aerator for a private lavatory, public lavatory or residential kitchen  
45 faucet.

46 “General service lamp” means a light bulb, including a general  
47 service incandescent lamp, compact fluorescent lamp, general

1 service light-emitting diode lamp, organic light-emitting diode  
2 lamp, and any other lamps or bulbs that are used to satisfy lighting  
3 applications traditionally served by general service incandescent  
4 lamps.

5 “State-regulated general service lamp” means any of the  
6 following medium-based incandescent light bulbs:

- 7 (1) Shatter-resistant lamps.
- 8 (2) 3-way lamps.
- 9 (3) Reflector lamps that are:
  - 10 (a) ER30, BR30, BR40, or ER40 lamps rated at 50 Watts or  
11 less;
  - 12 (b) BR30, BR40, or ER40 lamps rated at 65 watts; or
  - 13 (c) R20 lamps rated at 45 watts or less.
- 14 (4) B, BA, CA, F and G shape lamps as defined in ANSI  
15 C79.1:2002 with a lumen output of greater than or equal to 200 and  
16 rated at 40 watts or less.
- 17 (5) A and C shape lamps as defined in ANSI C79.1:2002 with  
18 lumen output greater than or equal to 200 and less than 310.

19 “Hand-held showerhead” means a showerhead that can be held  
20 or fixed in place for the purpose of spraying water onto a bather and  
21 that is connected to a flexible hose.

22 “High color rendering index fluorescent lamp” means a  
23 fluorescent lamp with a color rendering index of 87 or greater that  
24 is not a compact fluorescent lamp.

25 “Impact-resistant fluorescent lamp” means a fluorescent lamp or  
26 bulb that is not a compact fluorescent lamp and which:

- 27 (a) has a coating or equivalent technology that is compliant with  
28 ANSI 51 and is designed to contain the glass if the glass envelope  
29 of the lamp is broken; and
- 30 (b) is designated and marketed as being impact-resistant,  
31 shatter-resistant, shatter-proof, or shatter-protected;

32 “Industrial air purifier” means an indoor air cleaning device  
33 manufactured, advertised, marketed, labeled, and used solely for  
34 industrial use that are marketed solely through industrial supply  
35 outlets or businesses and prominently labeled as “Solely for  
36 industrial use. Potential health hazard: emits ozone;”

37 “Lamp efficacy” or “luminous efficacy” means the measure of  
38 how well a light source produces visible light, and which is the ratio  
39 of luminous flux to power, measured in lumens per watt.

40 “Metering faucet” means a fitting that, when turned on, will  
41 gradually shut itself off over a period of several seconds.

42 “On demand water cooler” means the water cooler heats water as  
43 it is requested, which typically takes a few minutes to deliver water.

44 “Portable electric spa” means a factory-built electric spa or hot  
45 tub which may include any combination of integral controls, water  
46 heating, or water circulating equipment.

1 “Pressure regulator” means a device that maintains constant  
2 operating pressure immediately downstream from the device, given  
3 higher pressure upstream.

4 “Public lavatory faucet” means a fitting designed to be installed  
5 in nonresidential lavatories that are exposed to walk-in traffic.

6 “Replacement aerator” means an aerator sold as a replacement,  
7 separate from the faucet to which it is intended to be attached.

8 “Residential ventilating fan” means a ceiling, wall-mounted, or  
9 remotely mounted in-line fan designed to be used in a lavatory or  
10 utility room, whose purpose is to move air from inside the building  
11 to the outdoors.

12 “Showerhead” means a device through which water is discharged  
13 for a shower bath and includes a hand-held showerhead but does not  
14 include a safety shower showerhead.

15 “Spray sprinkler body” means the exterior case or shell of a  
16 sprinkler incorporating a means of connection to the piping system  
17 designed to convey water to a nozzle or orifice.

18 “Trough-type urinal” means a urinal designed for simultaneous  
19 use by two or more persons.

20 “Urinal” means a plumbing fixture that receives only liquid body  
21 waste and conveys the waste through a trap into a drainage system.

22 “Water cooler” means a freestanding device that consumes  
23 energy to cool or heat potable water. **1**<sup>2</sup>

24

25 <sup>2</sup>2. As used in this act:

26 “Air purifier” means an electric, cord-connected, portable  
27 appliance with the primary function of removing particulate matter  
28 from the air and which can be moved from room to room.

29 “Cold temperature fluorescent lamp” means a fluorescent bulb or  
30 lamp that is not a compact fluorescent lamp and which:

31 (a) is designed to start at -20°F when used with a ballast  
32 conforming to the requirements of the American National Standard  
33 ANSI C78.81 and ANSI C78.901; and

34 (b) is designated as a cold temperature lamp both in markings on  
35 the lamp and in marketing materials, including catalogs, sales  
36 literature, and promotional material.

37 “Commercial dishwasher” means a machine designed to clean and  
38 sanitize plates, pots, pans, glasses, cups, bowls, utensils, and trays by  
39 applying sprays of detergent solution and a sanitizing rinse.

40 “Commercial fryer” means an appliance in which oil is placed to  
41 such a depth that the cooking food is supported by displacement of the  
42 cooking fluid rather than by the bottom of the vessel, and in which  
43 heat is delivered to the cooking fluid by means of an immersed electric  
44 element or by heat transfer from gas burners.

- 1       “Commercial hot-food holding cabinet” means a heated, fully  
2 enclosed compartment with one or more solid or transparent doors  
3 designed to maintain the temperature of cooked food.
- 4       “Commercial hot-food holding cabinet” shall not include heated  
5 glass merchandizing cabinets, drawer warmers, or cook-and-hold  
6 appliances.
- 7       “Commercial oven” means a chamber designed for heating,  
8 roasting, or baking food by conduction, convection, radiation, or  
9 electromagnetic energy.
- 10       “Commercial steam cooker,” means a device also known as a  
11 “compartment steamer,” with one or more food-steaming  
12 compartments in which the energy in the steam is transferred to the  
13 food by direct contact.
- 14       “Commissioner” means the Commissioner of <sup>3</sup>【Community  
15 Affairs】 Environmental Protection<sup>3</sup> .
- 16       “Computer” means a computer as defined in California Code of  
17 Regulations, Title 20, Section 1602(v).
- 18       “Computer monitor” means a computer monitor as defined in  
19 California Code of Regulations, Title 20, Section 1602(v).
- 20       <sup>3</sup>“Department” means the Department of Environmental  
21 Protection.<sup>3</sup>
- 22       “Dual-flush effective flush volume” means the average flush  
23 volume of two reduced flushes and one full flush.
- 24       “Dual-flush tank-type toilet” means a toilet that allows the user to  
25 flush the toilet with either a reduced or a full volume of water.
- 26       “Electric vehicle service equipment” means the same as the term is  
27 defined in section 2 of P.L.2019, c.362 (C.48:25-2).
- 28       “Faucet” means a private lavatory faucet, residential kitchen  
29 faucet, metering faucet, public lavatory faucet, or replacement aerator  
30 for a private lavatory, public lavatory or residential kitchen faucet.
- 31       “General service lamp” means a light bulb, including a general  
32 service incandescent lamp, compact fluorescent lamp, general service  
33 light-emitting diode lamp, organic light-emitting diode lamp, and any  
34 other lamps or bulbs that are used to satisfy lighting applications  
35 traditionally served by general service incandescent lamps.
- 36       “Hand-held showerhead” means a showerhead that can be held or  
37 fixed in place for the purpose of spraying water onto a bather and that  
38 is connected to a flexible hose.
- 39       “High color rendering index fluorescent lamp” means a fluorescent  
40 lamp with a color rendering index of 87 or greater that is not a  
41 compact fluorescent lamp.
- 42       “Impact-resistant fluorescent lamp” means a fluorescent lamp or  
43 bulb that is not a compact fluorescent lamp and which:
- 44       (a) has a coating or equivalent technology that is compliant with  
45 ANSI 51 and is designed to contain the glass if the glass envelope of  
46 the lamp is broken; and

1       (b) is designated and marketed as being impact-resistant, shatter-  
2 resistant, shatter-proof, or shatter-protected.

3       “Industrial air purifier” means an indoor air cleaning device  
4 manufactured, advertised, marketed, labeled, and used solely for  
5 industrial use that are marketed solely through industrial supply outlets  
6 or businesses and prominently labeled as “Solely for industrial use.  
7 Potential health hazard: emits ozone.”

8       “Lamp efficacy” or “luminous efficacy” means the measure of  
9 how well a light source produces visible light, and which is the ratio of  
10 luminous flux to power, measured in lumens per watt.

11       “Metering faucet” means a fitting that, when turned on, will  
12 gradually shut itself off over a period of several seconds.

13       “On demand water cooler” means the water cooler heats water as it  
14 is requested, which typically takes a few minutes to deliver water.

15       <sup>3</sup>“Person” means an individual, corporation, company, association,  
16 society, firm, partnership, or joint stock company.<sup>3</sup>

17       “Portable electric spa” means a factory-built electric spa or hot tub  
18 which may include any combination of integral controls, water  
19 heating, or water circulating equipment.

20       “Pressure regulator” means a device that maintains constant  
21 operating pressure immediately downstream from the device, given  
22 higher pressure upstream.

23       “Public lavatory faucet” means a fitting designed to be installed in  
24 nonresidential lavatories that are exposed to walk-in traffic.

25       “Replacement aerator” means an aerator sold as a replacement,  
26 separate from the faucet to which it is intended to be attached.

27       “Residential ventilating fan” means a ceiling, wall-mounted, or  
28 remotely mounted in-line fan designed to be used in a lavatory or  
29 utility room, whose purpose is to move air from inside the building to  
30 the outdoors.

31       “Showerhead” means a device through which water is discharged  
32 for a shower bath and includes a hand-held showerhead but does not  
33 include a safety shower showerhead.

34       “Spray sprinkler body” means the exterior case or shell of a  
35 sprinkler incorporating a means of connection to the piping system  
36 designed to convey water to a nozzle or orifice.

37       “State-regulated general service lamp” means any of the following  
38 medium-based incandescent light bulbs:

39       (1) Shatter-resistant lamps;

40       (2) 3-way lamps;

41       (3) Reflector lamps that are:

42       (a) ER30, BR30, BR40, or ER40 lamps rated at 50 Watts or less;

43       (b) BR30, BR40, or ER40 lamps rated at 65 watts; or

44       (c) R20 lamps rated at 45 watts or less;

1       (4) B, BA, CA, F and G shape lamps as defined in ANSI  
2 C79.1:2002 with a lumen output of greater than or equal to 200 and  
3 rated at 40 watts or less.

4       (5) A and C shape lamps as defined in ANSI C79.1:2002 with  
5 lumen output greater than or equal to 200 and less than 310.

6       “Trough-type urinal” means a urinal designed for simultaneous use  
7 by two or more persons.

8       “Urinal” means a plumbing fixture that receives only liquid body  
9 waste and conveys the waste through a trap into a drainage system.

10       “Water cooler” means a freestanding device that consumes energy  
11 to cool or heat potable water.<sup>2</sup>

12  
13       <sup>2</sup>[2.] 3.<sup>2</sup> a. <sup>3</sup>[No] Beginning one year after the date of enactment  
14 of this act, no<sup>3</sup> person shall sell, offer for sale, or lease a new air  
15 purifier, cold temperature fluorescent lamp, commercial dishwasher,  
16 commercial fryer, commercial hot-food holding cabinet, commercial  
17 oven, commercial steam cooker, computer, computer monitor,  
18 electrical vehicle service equipment, high color rendering index  
19 fluorescent lamp, impact-resistant fluorescent lamp, faucet,  
20 showerhead, toilet, urinal, portable electric spa, residential ventilating  
21 fan, state-regulated general service lamp; spray sprinkler body, urinal,  
22 or water cooler in the State unless the new product <sup>3</sup>includes a mark,  
23 label, or tag required pursuant to subsection c. of section 7 of this act,  
24 denoting that the product<sup>3</sup> meets or exceeds the efficiency standards  
25 <sup>3</sup>[adopted in rules and regulations pursuant to] established in<sup>3</sup> section  
26 <sup>2</sup>[3] 4<sup>2</sup> of this act.

27       b. <sup>3</sup>[No later than] Beginning<sup>3</sup> one year after the date of  
28 enactment of this act, no product <sup>3</sup>[subject to the requirements of]  
29 identified in<sup>3</sup> subsection a. <sup>3</sup>[or b.]<sup>3</sup> of this section may be installed  
30 for compensation in the State unless the <sup>3</sup>[efficiency of the]<sup>3</sup> new  
31 product <sup>3</sup>includes a mark, label, or tag required pursuant to subsection  
32 c. of section 7 of this act, denoting that the product<sup>3</sup> meets or exceeds  
33 the efficiency standards <sup>3</sup>[adopted in rules and regulations pursuant  
34 to] established in<sup>3</sup> section <sup>2</sup>[3] 4<sup>2</sup> of this act.

35       <sup>3</sup>c. Beginning one year after the date of enactment of this act, upon  
36 final inspection of the installation of any appliance or product subject  
37 to the State Uniform Construction Code, the appropriate subcode  
38 official shall ensure that any product identified in subsection a. of this  
39 section contains a mark, label, or tag denoting that the product meets  
40 or exceeds the efficiency standards established in section 4 of this act.

41       d. No person shall affix a mark, label, or tag to a product denoting  
42 compliance with this act unless the product meets or exceeds the  
43 efficiency standards established in section 4 of this act.<sup>3</sup>

- 1           <sup>2</sup>**[3.]** <sup>4</sup><sup>2</sup> <sup>3</sup>**[a.]** No later than one year after the date of enactment of  
2 this act, the commissioner, pursuant to the "Administrative Procedure  
3 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and  
4 regulations to establish energy efficiency standards to implement the  
5 provisions of this act.
- 6           b. The rules and regulations shall provide for the minimum  
7 efficiency standards for the following products<sup>3</sup> Except as provided  
8 in section 5 of this act, products identified in subsection a. of section 3  
9 of this act shall, at a minimum, meet the following efficiency  
10 standards:
- 11           <sup>3</sup>**[(1)]** a.<sup>3</sup> Air purifiers, except industrial air purifiers, shall meet  
12 the following requirements as measured in accordance with the  
13 ENERGY STAR Program Requirements Product Specification for  
14 Room Air Cleaners, Version 2.0:
- 15           <sup>3</sup>**[(a)]** (1)<sup>3</sup> Clean air delivery rate for smoke shall be 30 or greater;
- 16           <sup>3</sup>**[(b)]** (2)<sup>3</sup> For models with a clean air delivery rate for smoke less  
17 than 100, clean air delivery rate per Watt for smoke shall be greater  
18 than or equal to 1.7;
- 19           <sup>3</sup>**[(c)]** (3)<sup>3</sup> For models with a clean air delivery rate for smoke  
20 greater than or equal to 100 and less than 150, clean air delivery rate  
21 per Watt for smoke shall be greater than or equal to 1.9;
- 22           <sup>3</sup>**[(d)]** (4)<sup>3</sup> For models with a clean air delivery rate for smoke  
23 greater than or equal to 150, clean air delivery rate per Watt for smoke  
24 shall be greater than or equal to 2.0;
- 25           <sup>3</sup>**[(e)]** (5)<sup>3</sup> For ozone-emitting models, measured ozone shall be  
26 less than or equal to 50 parts per billion (ppb);
- 27           <sup>3</sup>**[(f)]** (6)<sup>3</sup> For models with a Wi-Fi network connection enabled  
28 by default when shipped, partial on mode power shall not exceed 2  
29 watts; and
- 30           <sup>3</sup>**[(g)]** (7)<sup>3</sup> For models without a Wi-Fi network connection  
31 enabled by default when shipped, partial on mode power shall not  
32 exceed 1 watt.
- 33           <sup>3</sup>**[(2)]** b.<sup>3</sup> A commercial dishwasher shall meet the product  
34 specifications of the "Energy Star Program Requirements for  
35 Commercial dishwashers Version 2.0" developed by the United States  
36 Environmental Protection Agency <sup>2</sup>**[.]** <sup>2</sup>
- 37           <sup>3</sup>**[(3)]** c.<sup>3</sup> A commercial fryer shall meet the product  
38 specifications of the "Energy Star Program Requirements for  
39 Commercial Fryers Version 2.0" developed by the United States  
40 Environmental Protection Agency;
- 41           <sup>3</sup>**[(4)]** d.<sup>3</sup> A commercial hot-food holding cabinet shall meet the  
42 product specifications of the "Energy Star Program Requirements for  
43 Commercial Hot Food Holding Cabinets Version 2.0" developed by  
44 the United States Environmental Protection Agency;

1       <sup>3</sup>[(5)] e.<sup>3</sup> A commercial oven shall meet the product  
2 specifications of the "Energy Star Program Requirements for  
3 Commercial Oven Version 2.2" developed by the United States  
4 Environmental Protection Agency;

5       <sup>3</sup>[(6)] f.<sup>3</sup> A commercial steam cooker shall meet the product  
6 specifications of the "Energy Star Program Requirements for  
7 Commercial Steam Cookers, Version 1.2" developed by the United  
8 States Environmental Protection Agency;

9       <sup>3</sup>[(7)] g.<sup>3</sup> A computer or computer monitor shall meet the  
10 requirements of the California Code of Regulations, Title 20, Section  
11 1605.3(v) and compliance with those requirements shall be measured  
12 in accordance with test methods prescribed in the California Code of  
13 Regulations, Title 20, Section 1604(v);

14       <sup>3</sup>[(8)] h.<sup>3</sup> Electric vehicle service equipment shall meet the  
15 product specifications of the "Energy Star Program Requirements  
16 Product Specification for Electric Vehicle Supply Equipment, Version  
17 1.0" developed by the United States Environmental Protection  
18 Agency;

19       <sup>3</sup>[(9)] i.<sup>3</sup> A faucet, except for a metering faucet, shall meet the  
20 standards in this <sup>3</sup>[paragraph] subsection<sup>3</sup> when tested in accordance  
21 with Appendix S to Subpart B of Part 430 of Title 10, Code of Federal  
22 Regulations and compliance with those requirements shall be in  
23 accordance with the "Uniform Test Method for Measuring the Water  
24 Consumption of Faucets and Showerheads" <sup>3</sup>[;] :<sup>3</sup>

25       <sup>3</sup>[(a)] (1)<sup>3</sup> A lavatory faucet or a replacement aerator for a  
26 lavatory faucet shall not exceed a maximum flow rate of 1.5 gallons  
27 per minute at 60 pounds per square inch;

28       <sup>3</sup>[(b)] (2)<sup>3</sup> A residential kitchen faucet or replacement aerator for  
29 a residential kitchen faucet shall not exceed a maximum flow rate of  
30 1.8 gallons per minute at 60 pounds per square inch, with an optional  
31 temporary flow rate of 2.2 gallons per minute, provided the faucet or  
32 replacement aerator defaults to a maximum flow rate of 1.8 gallons per  
33 minute at 60 pounds per square inch after each use; and

34       <sup>3</sup>[(c)] (3)<sup>3</sup> A public lavatory faucet or a replacement aerator for a  
35 public lavatory faucet shall not exceed a maximum flow rate of 0.5  
36 gallons per minute at 60 pounds per square inch <sup>2</sup>[;] :<sup>2</sup>

37       <sup>3</sup>[(10)] j.<sup>3</sup> A state-regulated general service lamp shall meet a  
38 lamp efficacy of 45 lumens per watt, when tested in accordance with  
39 the applicable federal test procedures for general service lamps,  
40 prescribed in Section 430.23(gg) of Title 10, Code of Federal  
41 Regulations;

42       <sup>3</sup>[(11)] k.<sup>3</sup> A High color rendering index, cold temperature, or  
43 impact-resistant fluorescent lamp shall meet the minimum efficacy  
44 requirements contained in Section 430.32(n)(4) of Title 10, Code of  
45 Federal Regulations, as measured in accordance with the "Uniform

1 Test Method for Measuring Average Lamp Efficacy (LE), Color  
2 Rendering Index (CRI), and Correlated Color Temperature (CCT) of  
3 Electric Lamps" in Appendix R to Subpart B of Part 430 of Title 10,  
4 Code of Federal Regulations;

5 <sup>3</sup>[(12)] l.<sup>3</sup> A portable electric spa shall meet the requirements of  
6 the "American National Standard for Portable Electric Spa Energy  
7 Efficiency 14-2019";

8 <sup>3</sup>[(13)] m.<sup>3</sup> An in-line residential ventilating fan shall have a fan  
9 motor efficacy of no less than 2.8 cubic feet per minute per watt. All  
10 other residential ventilating fans shall have a fan motor efficacy of no  
11 less than 1.4 cubic feet per minute per watt for airflows less than 90  
12 cubic feet per minute and no less than 2.8 cubic feet per minute per  
13 watt for other airflows when tested in accordance with Home  
14 Ventilation Institute Publication 916 "HVI Airflow Test Procedure" <sup>2</sup>;<sup>2</sup>

15 <sup>3</sup>[(14)] n.<sup>3</sup> A showerhead shall not exceed a maximum flow rate  
16 of 2.0 gallons per minute at 80 pounds per square inch when tested in  
17 accordance with Appendix S to Subpart B of Part 430 of Title 10,  
18 Code of Federal Regulations and compliance with those requirements  
19 shall be the "Uniform Test Method for Measuring the Water  
20 Consumption of Faucets and Showerheads <sup>2</sup>[""] <sup>2</sup>;

21 <sup>3</sup>[(15)] o.<sup>3</sup> A spray sprinkler body that is not specifically  
22 excluded from the scope of the United States Environmental  
23 Protection Agency's WaterSense program "Specification for Spray  
24 Sprinkler Bodies, Version 1.0," shall include an integral pressure  
25 regulator and shall meet the water efficiency and performance criteria  
26 and other requirements of the "Specification for Spray Sprinkler  
27 Bodies, Version 1.0" <sup>2</sup>["."] <sup>2</sup>;

28 <sup>3</sup>[(16)] p.<sup>3</sup> A urinal or toilet, other than those designed and  
29 marketed exclusively for use at prisons or mental health facilities, shall  
30 meet the standards in <sup>3</sup>[subparagraphs (a)] paragraphs (1)<sup>3</sup> through  
31 <sup>3</sup>[(d)] (4) of this subsection<sup>3</sup> when tested in accordance with  
32 Appendix T to Subpart B of Part 430 of Title 10, Code of Federal  
33 Regulations "Uniform Test Method for Measuring the Water  
34 Consumption of Water Closets and Urinals." A toilet shall be required  
35 to pass the waste extraction test for toilets in the American Society of  
36 Mechanical Engineers standard A112.19.2, Section 7.9 <sup>3</sup>[";"] <sup>3</sup>;

37 <sup>3</sup>[(a)] (1)<sup>3</sup> A wall-mounted urinal, except for a trough-type urinal,  
38 shall have a maximum flush volume of 0.5 gallons per flush;

39 <sup>3</sup>[(b)] (2)<sup>3</sup> A floor-mounted urinal, except for a trough-type urinal,  
40 shall have a maximum flush volume of 0.5 gallons per flush;

41 <sup>3</sup>[(c)] (3)<sup>3</sup> A toilet, except for a dual-flush tank-type toilet, shall  
42 have a maximum flush volume of 1.28 gallons per flush; <sup>2</sup>and<sup>2</sup>

43 <sup>3</sup>[(d)] (4)<sup>3</sup> A dual-flush tank-type toilet shall have a maximum  
44 dual-flush effective flush volume of 1.28 gallons per flush.

1       <sup>3</sup>[(17)] q.<sup>3</sup> A water cooler shall meet the product specifications of  
2 the "Energy Star Program Requirements Product Specification for  
3 Water Coolers, Version 2.0" developed by the United States  
4 Environmental Protection Agency

5  
6       <sup>2</sup>[4.] 5.<sup>2</sup> The provisions of this act shall not apply to:

7       (1) new products manufactured in the State and sold outside the  
8 State;

9       (2) new products manufactured outside the State and sold <sup>3</sup>outside  
10 the State or<sup>3</sup> at wholesale inside the State for final retail sale and  
11 installation outside the State;

12       (3) products installed in mobile manufactured homes at the time of  
13 construction; or

14       (4) products designed expressly for installation and use in  
15 recreational vehicles.

16  
17       <sup>2</sup>[5.] 6.<sup>2</sup> <sup>3</sup>[a. The commissioner may require an updated test  
18 method pursuant to rules and regulations adopted pursuant to the  
19 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)  
20 when a new test procedure becomes available for a product regulated  
21 pursuant to this act.

22       b. The commissioner shall identify each product regulated  
23 pursuant to section <sup>2</sup>[3] 4<sup>2</sup> of this act and shall allow the use of  
24 existing marks, labels, or tags, to denote compliance with the  
25 efficiency requirements of this act, pursuant to rules and regulations  
26 adopted pursuant to the "Administrative Procedure Act," P.L.1968,  
27 c.410 (C.52:14B-1 et seq.).] Nothing in this act shall be construed to  
28 impose liability on any news media that accepts or publishes  
29 advertising for any product that may fall within the scope of this act.<sup>3</sup>

30  
31       <sup>2</sup>[6.] 7.<sup>2</sup> a. A manufacturer of a product regulated pursuant to  
32 section <sup>2</sup>[3] 4<sup>2</sup> of this act shall annually test samples of its products  
33 <sup>3</sup>[in accordance with the test procedures adopted pursuant to this act]  
34 in order to ensure compliance with the efficiency standards established  
35 therein<sup>3</sup> .

36       b. A manufacturer of a product regulated pursuant to section <sup>2</sup>[3]  
37 4<sup>2</sup> of this act shall annually certify to the commissioner that the  
38 product is in compliance with the provisions of this act.

39       c. A manufacturer of a product regulated pursuant to section <sup>2</sup>[3]  
40 4<sup>2</sup> of this act shall identify that each product offered for sale in the  
41 State is in compliance with the provisions of this act by means of a  
42 mark, label, or tag on the product and packaging at the time of sale.  
43 <sup>3</sup>An existing mark, label, or tag may be used to satisfy this  
44 requirement, provided that it clearly expresses that the product meets  
45 the applicable efficiency standard. A manufacturer shall include

1 information about the mark, label, or tag used to comply with the  
2 provisions of this subsection in its annual certification to the  
3 commissioner required by subsection b. of this section.<sup>3</sup>

4 d. With prior notice, the commissioner may periodically inspect  
5 distributors or retailers of new products regulated pursuant to this act  
6 in order to determine compliance with the provisions of this act.

7 e. The commissioner shall investigate complaints received  
8 concerning violations of this act <sup>3</sup>[and shall report the results of such  
9 investigations to the Attorney General]<sup>3</sup>. A manufacturer, distributor,  
10 retailer, or person who violates the provisions of this act, shall be  
11 issued a warning by the commissioner for a first violation and shall be  
12 subject to a civil penalty of up to <sup>3</sup>[\$100] \$1,000<sup>3</sup> for each subsequent  
13 offense. Third and subsequent violations shall be subject to a civil  
14 penalty of not more than <sup>3</sup>[\$500] \$5,000<sup>3</sup> for each offense. Each  
15 violation shall constitute a separate offense, and each day that such  
16 violation continues shall constitute a separate offense. <sup>3</sup>The  
17 department may institute an action or proceeding in the Superior Court  
18 for injunctive and other relief for any violation of this act or of any  
19 rule or regulation adopted pursuant thereto, and the court may proceed  
20 in the action in a summary manner. Such relief may include  
21 prohibiting the person from selling or offering for sale the non-  
22 compliant product in the State.<sup>3</sup>

23 f. <sup>3</sup>[If] In addition the penalties provided in subsection e. of this  
24 section, if<sup>3</sup> a product regulated pursuant to this act is found not to be in  
25 compliance with the minimum efficiency standards established under  
26 this act, the commissioner shall issue a violation to the manufacturer of  
27 such product which shall subject the manufacturer to a civil penalty  
28 equal to <sup>3</sup>twice<sup>3</sup> the cost of product purchase and testing. The  
29 commissioner shall make information available to <sup>3</sup>[the Attorney  
30 General and]<sup>3</sup> the public on products found not to be in compliance  
31 with the standards.

32 g. A civil penalty imposed pursuant to this section shall be  
33 collected in a summary manner under the “Penalty Enforcement Law  
34 of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). All monies <sup>3</sup>[shall be  
35 deposited into the Societal Benefits Charge account] collected by the  
36 department may be retained by the department for the costs of  
37 administering and enforcing the provisions of this act.<sup>3</sup>

38  
39 <sup>2</sup>[7.] <sup>2</sup>8.<sup>2</sup> No later than 3 years after the date of enactment of  
40 this act, the <sup>3</sup>department, in consultation with the Board of Public  
41 Utilities and the<sup>3</sup> Department of Community Affairs <sup>3,3</sup> shall  
42 conduct a study to evaluate whether to add additional products to  
43 those regulated pursuant to this act, and whether to adopt more  
44 stringent energy standards or water conservation standards. The  
45 commissioner shall submit a written report thereon to the Governor

1 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
2 Legislature with recommendations for legislative action.

3

4 <sup>3</sup>9. The department may adopt rules and regulations, pursuant to  
5 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
6 seq.), as necessary to implement the provisions of this act.<sup>3</sup>

7

8 <sup>2</sup>[8.] <sup>3</sup>[9.<sup>2</sup>] 10.<sup>3</sup> This act shall take effect <sup>3</sup>[on January 1, 2022]  
9 immediately<sup>3</sup>.

10

11

12

13

14 Establishes minimum energy and water efficiency standards for  
15 certain products sold, offered for sale, or leased in the State.