

[Third Reprint]

ASSEMBLY, No. 5160

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED DECEMBER 16, 2020

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SYNOPSIS

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

CURRENT VERSION OF TEXT

As amended by the Senate on December 2, 2021.

(Sponsorship Updated As Of: 12/20/2021)

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 ¹**[48]** 52¹ 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 ²**[state]** State² 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 ²**[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.

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

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

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

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:

¹Assembly ATU committee amendments adopted February 24, 2021.

²Senate SBA committee amendments adopted November 8, 2021.

³Senate floor amendments adopted December 2, 2021.

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

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

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

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

15 “Commercial oven” means a chamber designed for heating,
16 roasting, or baking food by conduction, convection, radiation, or
17 electromagnetic energy.

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

22 “Commissioner” means the Commissioner of Community
23 Affairs.

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

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

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

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

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

34 “Faucet” means a private lavatory faucet, residential kitchen
35 faucet, metering faucet, public lavatory faucet, or replacement
36 aerator for a private lavatory, public lavatory or residential kitchen
37 faucet.

38 “General service lamp” means a light bulb, including a general
39 service incandescent lamp, compact fluorescent lamp, general
40 service light-emitting diode lamp, organic light-emitting diode
41 lamp, and any other lamps or bulbs that are used to satisfy lighting
42 applications traditionally served by general service incandescent
43 lamps.

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

- 46 (1) Shatter-resistant lamps.
47 (2) 3-way lamps.

- 1 (3) Reflector lamps that are:
2 (a) ER30, BR30, BR40, or ER40 lamps rated at 50 Watts or
3 less;
4 (b) BR30, BR40, or ER40 lamps rated at 65 watts; or
5 (c) R20 lamps rated at 45 watts or less.
6 (4) B, BA, CA, F and G shape lamps as defined in ANSI
7 C79.1:2002 with a lumen output of greater than or equal to 200 and
8 rated at 40 watts or less.
9 (5) A and C shape lamps as defined in ANSI C79.1:2002 with
10 lumen output greater than or equal to 200 and less than 310.
11 “Hand-held showerhead” means a showerhead that can be held
12 or fixed in place for the purpose of spraying water onto a bather and
13 that is connected to a flexible hose.
14 “High color rendering index fluorescent lamp” means a
15 fluorescent lamp with a color rendering index of 87 or greater that
16 is not a compact fluorescent lamp.
17 “Impact-resistant fluorescent lamp” means a fluorescent lamp or
18 bulb that is not a compact fluorescent lamp and which:
19 (a) has a coating or equivalent technology that is compliant with
20 ANSI 51 and is designed to contain the glass if the glass envelope
21 of the lamp is broken; and
22 (b) is designated and marketed as being impact-resistant,
23 shatter-resistant, shatter-proof, or shatter-protected;
24 “Industrial air purifier” means an indoor air cleaning device
25 manufactured, advertised, marketed, labeled, and used solely for
26 industrial use that are marketed solely through industrial supply
27 outlets or businesses and prominently labeled as “Solely for
28 industrial use. Potential health hazard: emits ozone;”
29 “Lamp efficacy” or “luminous efficacy” means the measure of
30 how well a light source produces visible light, and which is the ratio
31 of luminous flux to power, measured in lumens per watt.
32 “Metering faucet” means a fitting that, when turned on, will
33 gradually shut itself off over a period of several seconds.
34 “On demand water cooler” means the water cooler heats water as
35 it is requested, which typically takes a few minutes to deliver water.
36 “Portable electric spa” means a factory-built electric spa or hot
37 tub which may include any combination of integral controls, water
38 heating, or water circulating equipment.
39 “Pressure regulator” means a device that maintains constant
40 operating pressure immediately downstream from the device, given
41 higher pressure upstream.
42 “Public lavatory faucet” means a fitting designed to be installed
43 in nonresidential lavatories that are exposed to walk-in traffic.
44 “Replacement aerator” means an aerator sold as a replacement,
45 separate from the faucet to which it is intended to be attached.
46 “Residential ventilating fan” means a ceiling, wall-mounted, or
47 remotely mounted in-line fan designed to be used in a lavatory or

1 utility room, whose purpose is to move air from inside the building
2 to the outdoors.

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

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

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

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

13 “Water cooler” means a freestanding device that consumes
14 energy to cool or heat potable water. **】²**

15

16 ²2. As used in this act:

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

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

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

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

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

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32 such a depth that the cooking food is supported by displacement of the
33 cooking fluid rather than by the bottom of the vessel, and in which
34 heat is delivered to the cooking fluid by means of an immersed electric
35 element or by heat transfer from gas burners.

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

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

42 “Commercial oven” means a chamber designed for heating,
43 roasting, or baking food by conduction, convection, radiation, or
44 electromagnetic energy.

45 “Commercial steam cooker,” means a device also known as a
46 “compartment steamer,” with one or more food-steaming

1 compartments in which the energy in the steam is transferred to the
2 food by direct contact.

3 "Commissioner" means the Commissioner of ³[Community
4 Affairs] Environmental Protection³.

5 "Computer" means a computer as defined in California Code of
6 Regulations, Title 20, Section 1602(v).

7 "Computer monitor" means a computer monitor as defined in
8 California Code of Regulations, Title 20, Section 1602(v).

9 ³"Department" means the Department of Environmental
10 Protection.³

11 "Dual-flush effective flush volume" means the average flush
12 volume of two reduced flushes and one full flush.

13 "Dual-flush tank-type toilet" means a toilet that allows the user to
14 flush the toilet with either a reduced or a full volume of water.

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

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18 faucet, metering faucet, public lavatory faucet, or replacement aerator
19 for a private lavatory, public lavatory or residential kitchen faucet.

20 "General service lamp" means a light bulb, including a general
21 service incandescent lamp, compact fluorescent lamp, general service
22 light-emitting diode lamp, organic light-emitting diode lamp, and any
23 other lamps or bulbs that are used to satisfy lighting applications
24 traditionally served by general service incandescent lamps.

25 "Hand-held showerhead" means a showerhead that can be held or
26 fixed in place for the purpose of spraying water onto a bather and that
27 is connected to a flexible hose.

28 "High color rendering index fluorescent lamp" means a fluorescent
29 lamp with a color rendering index of 87 or greater that is not a
30 compact fluorescent lamp.

31 "Impact-resistant fluorescent lamp" means a fluorescent lamp or
32 bulb that is not a compact fluorescent lamp and which:

33 (a) has a coating or equivalent technology that is compliant with
34 ANSI 51 and is designed to contain the glass if the glass envelope of
35 the lamp is broken; and

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

38 "Industrial air purifier" means an indoor air cleaning device
39 manufactured, advertised, marketed, labeled, and used solely for
40 industrial use that are marketed solely through industrial supply outlets
41 or businesses and prominently labeled as "Solely for industrial use.
42 Potential health hazard: emits ozone."

43 "Lamp efficacy" or "luminous efficacy" means the measure of
44 how well a light source produces visible light, and which is the ratio of
45 luminous flux to power, measured in lumens per watt.

- 1 “Metering faucet” means a fitting that, when turned on, will
2 gradually shut itself off over a period of several seconds.
- 3 “On demand water cooler” means the water cooler heats water as it
4 is requested, which typically takes a few minutes to deliver water.
- 5 ³“Person” means an individual, corporation, company, association,
6 society, firm, partnership, or joint stock company.³
- 7 “Portable electric spa” means a factory-built electric spa or hot tub
8 which may include any combination of integral controls, water
9 heating, or water circulating equipment.
- 10 “Pressure regulator” means a device that maintains constant
11 operating pressure immediately downstream from the device, given
12 higher pressure upstream.
- 13 “Public lavatory faucet” means a fitting designed to be installed in
14 nonresidential lavatories that are exposed to walk-in traffic.
- 15 “Replacement aerator” means an aerator sold as a replacement,
16 separate from the faucet to which it is intended to be attached.
- 17 “Residential ventilating fan” means a ceiling, wall-mounted, or
18 remotely mounted in-line fan designed to be used in a lavatory or
19 utility room, whose purpose is to move air from inside the building to
20 the outdoors.
- 21 “Showerhead” means a device through which water is discharged
22 for a shower bath and includes a hand-held showerhead but does not
23 include a safety shower showerhead.
- 24 “Spray sprinkler body” means the exterior case or shell of a
25 sprinkler incorporating a means of connection to the piping system
26 designed to convey water to a nozzle or orifice.
- 27 “State-regulated general service lamp” means any of the following
28 medium-based incandescent light bulbs:
- 29 (1) Shatter-resistant lamps;
30 (2) 3-way lamps;
31 (3) Reflector lamps that are:
32 (a) ER30, BR30, BR40, or ER40 lamps rated at 50 Watts or less;
33 (b) BR30, BR40, or ER40 lamps rated at 65 watts; or
34 (c) R20 lamps rated at 45 watts or less;
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36 C79.1:2002 with a lumen output of greater than or equal to 200 and
37 rated at 40 watts or less.
- 38 (5) A and C shape lamps as defined in ANSI C79.1:2002 with
39 lumen output greater than or equal to 200 and less than 310.
- 40 “Trough-type urinal” means a urinal designed for simultaneous use
41 by two or more persons.
- 42 “Urinal” means a plumbing fixture that receives only liquid body
43 waste and conveys the waste through a trap into a drainage system.
- 44 “Water cooler” means a freestanding device that consumes energy
45 to cool or heat potable water.²

1 ²[2.] ³ a. ³[No] Beginning one year after the date of enactment
 2 of this act, no³ person shall sell, offer for sale, or lease a new air
 3 purifier, cold temperature fluorescent lamp, commercial dishwasher,
 4 commercial fryer, commercial hot-food holding cabinet, commercial
 5 oven, commercial steam cooker, computer, computer monitor,
 6 electrical vehicle service equipment, high color rendering index
 7 fluorescent lamp, impact-resistant fluorescent lamp, faucet,
 8 showerhead, toilet, urinal, portable electric spa, residential ventilating
 9 fan, state-regulated general service lamp; spray sprinkler body, urinal,
 10 or water cooler in the State unless the new product ³includes a mark,
 11 label, or tag required pursuant to subsection c. of section 7 of this act,
 12 denoting that the product³ meets or exceeds the efficiency standards
 13 ³[adopted in rules and regulations pursuant to] established in³ section
 14 ²[3] ⁴ of this act.

15 b. ³[No later than] Beginning³ one year after the date of
 16 enactment of this act, no product ³[subject to the requirements of]
 17 identified in³ subsection a. ³[or b.]³ of this section may be installed
 18 for compensation in the State unless the ³[efficiency of the]³ new
 19 product ³includes a mark, label, or tag required pursuant to subsection
 20 c. of section 7 of this act, denoting that the product³ meets or exceeds
 21 the efficiency standards ³[adopted in rules and regulations pursuant
 22 to] established in³ section ²[3] ⁴ of this act.

23 ³c. Beginning one year after the date of enactment of this act, upon
 24 final inspection of the installation of any appliance or product subject
 25 to the State Uniform Construction Code, the appropriate subcode
 26 official shall ensure that any product identified in subsection a. of this
 27 section contains a mark, label, or tag denoting that the product meets
 28 or exceeds the efficiency standards established in section 4 of this act.

29 d. No person shall affix a mark, label, or tag to a product denoting
 30 compliance with this act unless the product meets or exceeds the
 31 efficiency standards established in section 4 of this act.³

32

33

34 ²[3.] ⁴ ³a. No later than one year after the date of enactment of
 35 this act, the commissioner, pursuant to the "Administrative Procedure
 36 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
 37 regulations to establish energy efficiency standards to implement the
 38 provisions of this act.

39 b. The rules and regulations shall provide for the minimum
 40 efficiency standards for the following products³ Except as provided
 41 in section 5 of this act, products identified in subsection a. of section 3
 42 of this act shall, at a minimum, meet the following efficiency
 43 standards:

44 ³[(1)] a.³ Air purifiers, except industrial air purifiers, shall meet
 45 the following requirements as measured in accordance with the

1 ENERGY STAR Program Requirements Product Specification for
2 Room Air Cleaners, Version 2.0:

3 **³[(a)] (1)**³ Clean air delivery rate for smoke shall be 30 or greater;

4 **³[(b)] (2)**³ For models with a clean air delivery rate for smoke less
5 than 100, clean air delivery rate per Watt for smoke shall be greater
6 than or equal to 1.7;

7 **³[(c)] (3)**³ For models with a clean air delivery rate for smoke
8 greater than or equal to 100 and less than 150, clean air delivery rate
9 per Watt for smoke shall be greater than or equal to 1.9;

10 **³[(d)] (4)**³ For models with a clean air delivery rate for smoke
11 greater than or equal to 150, clean air delivery rate per Watt for smoke
12 shall be greater than or equal to 2.0;

13 **³[(e)] (5)**³ For ozone-emitting models, measured ozone shall be
14 less than or equal to 50 parts per billion (ppb);

15 **³[(f)] (6)**³ For models with a Wi-Fi network connection enabled
16 by default when shipped, partial on mode power shall not exceed 2
17 watts; and

18 **³[(g)] (7)**³ For models without a Wi-Fi network connection
19 enabled by default when shipped, partial on mode power shall not
20 exceed 1 watt.

21 **³[(2)] b.**³ A commercial dishwasher shall meet the product
22 specifications of the "Energy Star Program Requirements for
23 Commercial dishwashers Version 2.0" developed by the United States
24 Environmental Protection Agency **²[.]**²;

25 **³[(3)] c.**³ A commercial fryer shall meet the product
26 specifications of the "Energy Star Program Requirements for
27 Commercial Fryers Version 2.0" developed by the United States
28 Environmental Protection Agency;

29 **³[(4)] d.**³ A commercial hot-food holding cabinet shall meet the
30 product specifications of the "Energy Star Program Requirements for
31 Commercial Hot Food Holding Cabinets Version 2.0" developed by
32 the United States Environmental Protection Agency;

33 **³[(5)] e.**³ A commercial oven shall meet the product
34 specifications of the "Energy Star Program Requirements for
35 Commercial Oven Version 2.2" developed by the United States
36 Environmental Protection Agency;

37 **³[(6)] f.**³ A commercial steam cooker shall meet the product
38 specifications of the "Energy Star Program Requirements for
39 Commercial Steam Cookers, Version 1.2" developed by the United
40 States Environmental Protection Agency;

41 **³[(7)] g.**³ A computer or computer monitor shall meet the
42 requirements of the California Code of Regulations, Title 20, Section
43 1605.3(v) and compliance with those requirements shall be measured
44 in accordance with test methods prescribed in the California Code of
45 Regulations, Title 20, Section 1604(v);

1 ³[(8)] h.³ Electric vehicle service equipment shall meet the
2 product specifications of the "Energy Star Program Requirements
3 Product Specification for Electric Vehicle Supply Equipment, Version
4 1.0" developed by the United States Environmental Protection
5 Agency;

6 ³[(9)] i.³ A faucet, except for a metering faucet, shall meet the
7 standards in this ³[paragraph] subsection³ when tested in accordance
8 with Appendix S to Subpart B of Part 430 of Title 10, Code of Federal
9 Regulations and compliance with those requirements shall be in
10 accordance with the "Uniform Test Method for Measuring the Water
11 Consumption of Faucets and Showerheads" ³[;] :³

12 ³[(a)] (1)³ A lavatory faucet or a replacement aerator for a
13 lavatory faucet shall not exceed a maximum flow rate of 1.5 gallons
14 per minute at 60 pounds per square inch;

15 ³[(b)] (2)³ A residential kitchen faucet or replacement aerator for
16 a residential kitchen faucet shall not exceed a maximum flow rate of
17 1.8 gallons per minute at 60 pounds per square inch, with an optional
18 temporary flow rate of 2.2 gallons per minute, provided the faucet or
19 replacement aerator defaults to a maximum flow rate of 1.8 gallons per
20 minute at 60 pounds per square inch after each use; and

21 ³[(c)] (3)³ A public lavatory faucet or a replacement aerator for a
22 public lavatory faucet shall not exceed a maximum flow rate of 0.5
23 gallons per minute at 60 pounds per square inch ²[;] :²

24 ³[(10)] j.³ A state-regulated general service lamp shall meet a
25 lamp efficacy of 45 lumens per watt, when tested in accordance with
26 the applicable federal test procedures for general service lamps,
27 prescribed in Section 430.23(gg) of Title 10, Code of Federal
28 Regulations;

29 ³[(11)] k.³ A High color rendering index, cold temperature, or
30 impact-resistant fluorescent lamp shall meet the minimum efficacy
31 requirements contained in Section 430.32(n)(4) of Title 10, Code of
32 Federal Regulations, as measured in accordance with the "Uniform
33 Test Method for Measuring Average Lamp Efficacy (LE), Color
34 Rendering Index (CRI), and Correlated Color Temperature (CCT) of
35 Electric Lamps" in Appendix R to Subpart B of Part 430 of Title 10,
36 Code of Federal Regulations;

37 ³[(12)] l.³ A portable electric spa shall meet the requirements of
38 the "American National Standard for Portable Electric Spa Energy
39 Efficiency 14-2019";

40 ³[(13)] m.³ An in-line residential ventilating fan shall have a fan
41 motor efficacy of no less than 2.8 cubic feet per minute per watt. All
42 other residential ventilating fans shall have a fan motor efficacy of no
43 less than 1.4 cubic feet per minute per watt for airflows less than 90
44 cubic feet per minute and no less than 2.8 cubic feet per minute per

1 watt for other airflows when tested in accordance with Home
2 Ventilation Institute Publication 916 “HVI Airflow Test Procedure” ²;

3 ³[(14)] n.³ A showerhead shall not exceed a maximum flow rate
4 of 2.0 gallons per minute at 80 pounds per square inch when tested in
5 accordance with Appendix S to Subpart B of Part 430 of Title 10,
6 Code of Federal Regulations and compliance with those requirements
7 shall be the “Uniform Test Method for Measuring the Water
8 Consumption of Faucets and Showerheads ²”; ²

9 ³[(15)] o.³ A spray sprinkler body that is not specifically
10 excluded from the scope of the United States Environmental
11 Protection Agency’s WaterSense program “Specification for Spray
12 Sprinkler Bodies, Version 1.0,” shall include an integral pressure
13 regulator and shall meet the water efficiency and performance criteria
14 and other requirements of the “Specification for Spray Sprinkler
15 Bodies, Version 1.0” ²;

16 ³[(16)] p.³ A urinal or toilet, other than those designed and
17 marketed exclusively for use at prisons or mental health facilities, shall
18 meet the standards in ³[subparagraphs (a)] paragraphs (1)³ through
19 ³[(d)] (4) of this subsection³ when tested in accordance with
20 Appendix T to Subpart B of Part 430 of Title 10 , Code of Federal
21 Regulations “Uniform Test Method for Measuring the Water
22 Consumption of Water Closets and Urinals.” A toilet shall be required
23 to pass the waste extraction test for toilets in the American Society of
24 Mechanical Engineers standard A112.19.2, Section 7.9 ³;

25 ³[(a)] (1)³ A wall-mounted urinal, except for a trough-type urinal,
26 shall have a maximum flush volume of 0.5 gallons per flush;

27 ³[(b)] (2)³ A floor-mounted urinal, except for a trough-type urinal,
28 shall have a maximum flush volume of 0.5 gallons per flush;

29 ³[(c)] (3)³ A toilet, except for a dual-flush tank-type toilet, shall
30 have a maximum flush volume of 1.28 gallons per flush; ²and²

31 ³[(d)] (4)³ A dual-flush tank-type toilet shall have a maximum
32 dual-flush effective flush volume of 1.28 gallons per flush.

33 ³[(17)] q.³ A water cooler shall meet the product specifications of
34 the "Energy Star Program Requirements Product Specification for
35 Water Coolers, Version 2.0" developed by the United States
36 Environmental Protection Agency

37

38 ²[4.] 5.² The provisions of this act shall not apply to:

39 (1) new products manufactured in the State and sold outside the
40 State;

41 (2) new products manufactured outside the State and sold ³outside
42 the State or³ at wholesale inside the State for final retail sale and
43 installation outside the State;

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

1 (4) products designed expressly for installation and use in
2 recreational vehicles.

3
4 ²[5.] 6.² ³[a. The commissioner may require an updated test
5 method pursuant to rules and regulations adopted pursuant to the
6 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
7 when a new test procedure becomes available for a product regulated
8 pursuant to this act.

9 b. The commissioner shall identify each product regulated
10 pursuant to section ²[3] 4² of this act and shall allow the use of
11 existing marks, labels, or tags, to denote compliance with the
12 efficiency requirements of this act, pursuant to rules and regulations
13 adopted pursuant to the "Administrative Procedure Act," P.L.1968,
14 c.410 (C.52:14B-1 et seq.).] Nothing in this act shall be construed to
15 impose liability on any news media that accepts or publishes
16 advertising for any product that may fall within the scope of this act.³

17
18 ²[6.] 7.² a. A manufacturer of a product regulated pursuant to
19 section ²[3] 4² of this act shall annually test samples of its products
20 ³[in accordance with the test procedures adopted pursuant to this act]
21 in order to ensure compliance with the efficiency standards established
22 therein³ .

23 b. A manufacturer of a product regulated pursuant to section ²[3]
24 4² of this act shall annually certify to the commissioner that the
25 product is in compliance with the provisions of this act.

26 c. A manufacturer of a product regulated pursuant to section ²[3]
27 4² of this act shall identify that each product offered for sale in the
28 State is in compliance with the provisions of this act by means of a
29 mark, label, or tag on the product and packaging at the time of sale.
30 ³An existing mark, label, or tag may be used to satisfy this
31 requirement, provided that it clearly expresses that the product meets
32 the applicable efficiency standard. A manufacturer shall include
33 information about the mark, label, or tag used to comply with the
34 provisions of this subsection in its annual certification to the
35 commissioner required by subsection b. of this section.³

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

39 e. The commissioner shall investigate complaints received
40 concerning violations of this act ³[and shall report the results of such
41 investigations to the Attorney General]³ . A manufacturer, distributor,
42 retailer, or person who violates the provisions of this act, shall be
43 issued a warning by the commissioner for a first violation and shall be
44 subject to a civil penalty of up to ³[\$100] \$1,000³ for each subsequent
45 offense. Third and subsequent violations shall be subject to a civil

1 penalty of not more than ³[\$500] \$5,000³ for each offense. Each
2 violation shall constitute a separate offense, and each day that such
3 violation continues shall constitute a separate offense. ³The
4 department may institute an action or proceeding in the Superior Court
5 for injunctive and other relief for any violation of this act or of any
6 rule or regulation adopted pursuant thereto, and the court may proceed
7 in the action in a summary manner. Such relief may include
8 prohibiting the person from selling or offering for sale the non-
9 compliant product in the State.³

10 f. ³[If] In addition the penalties provided in subsection e. of this
11 section, if³ a product regulated pursuant to this act is found not to be in
12 compliance with the minimum efficiency standards established under
13 this act, the commissioner shall issue a violation to the manufacturer of
14 such product which shall subject the manufacturer to a civil penalty
15 equal to ³twice³ the cost of product purchase and testing. The
16 commissioner shall make information available to ³[the Attorney
17 General and]³ the public on products found not to be in compliance
18 with the standards.

19 g. A civil penalty imposed pursuant to this section shall be
20 collected in a summary manner under the "Penalty Enforcement Law
21 of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). All monies ³[shall be
22 deposited into the Societal Benefits Charge account] collected by the
23 department may be retained by the department for the costs of
24 administering and enforcing the provisions of this act.³

25
26 ²[7.] ^{8.}² No later than 3 years after the date of enactment of
27 this act, the ³department, in consultation with the Board of Public
28 Utilities and the³ Department of Community Affairs ^{3,3} shall
29 conduct a study to evaluate whether to add additional products to
30 those regulated pursuant to this act, and whether to adopt more
31 stringent energy standards or water conservation standards. The
32 commissioner shall submit a written report thereon to the Governor
33 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
34 Legislature with recommendations for legislative action.

35
36 ³9. The department may adopt rules and regulations, pursuant to
37 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
38 seq.), as necessary to implement the provisions of this act.³

39
40 ²[8.] ³[9.²] ^{10.}³ This act shall take effect ³[on January 1, 2022]
41 immediately³.