

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 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.

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 “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.¹²

24
25 ²2. 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.

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38 sanitize plates, pots, pans, glasses, cups, bowls, utensils, and trays by
39 applying sprays of detergent solution and a sanitizing rinse.

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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 ³Community
15 Affairs Environmental Protection³.
- 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 ³“Department” means the Department of Environmental
21 Protection.³
- 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

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

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

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

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

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

³“Person” means an individual, corporation, company, association, society, firm, partnership, or joint stock company.³

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

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

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

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

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

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

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

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

(1) Shatter-resistant lamps;

(2) 3-way lamps;

(3) Reflector lamps that are:

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

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

(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.²

12
13 ²[2.] ³ a. ³[No] Beginning one year after the date of enactment
14 of this act, no³ 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 ³includes a mark,
23 label, or tag required pursuant to subsection c. of section 7 of this act,
24 denoting that the product³ meets or exceeds the efficiency standards
25 ³[adopted in rules and regulations pursuant to] established in³ section
26 ²[3] ⁴ of this act.

27 b. ³[No later than] Beginning³ one year after the date of
28 enactment of this act, no product ³[subject to the requirements of]
29 identified in³ subsection a. ³[or b.]³ of this section may be installed
30 for compensation in the State unless the ³[efficiency of the]³ new
31 product ³includes a mark, label, or tag required pursuant to subsection
32 c. of section 7 of this act, denoting that the product³ meets or exceeds
33 the efficiency standards ³[adopted in rules and regulations pursuant
34 to] established in³ section ²[3] ⁴ of this act.

35 ³c. 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.³

- 1 ²**[3.]** ⁴² ³**[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 products³ 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 ³**[(1)]** ³**a.** 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 ³**[(a)]** ³**(1)** Clean air delivery rate for smoke shall be 30 or greater;
16 ³**[(b)]** ³**(2)** 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 ³**[(c)]** ³**(3)** 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 ³**[(d)]** ³**(4)** 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 ³**[(e)]** ³**(5)** For ozone-emitting models, measured ozone shall be
26 less than or equal to 50 parts per billion (ppb);
- 27 ³**[(f)]** ³**(6)** 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 ³**[(g)]** ³**(7)** 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 ³**[(2)]** ³**b.** 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 Agency²**[.]**;²
- 37 ³**[(3)]** ³**c.** 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 ³**[(4)]** ³**d.** 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 ³[(5)] e.³ 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 ³[(6)] f.³ 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 ³[(7)] g.³ 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 ³[(8)] h.³ 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 ³[(9)] i.³ A faucet, except for a metering faucet, shall meet the
 20 standards in this ³[paragraph] subsection³ 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" ³[;] :³

25 ³[(a)] (1)³ 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 ³[(b)] (2)³ 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 ³[(c)] (3)³ 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 ²[;] :²

37 ³[(10)] j.³ 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 ³[(11)] k.³ 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 ³[(12)] l.³ A portable electric spa shall meet the requirements of
 6 the "American National Standard for Portable Electric Spa Energy
 7 Efficiency 14-2019";

8 ³[(13)] m.³ 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" ²;²

15 ³[(14)] n.³ 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" ²[""]²;

21 ³[(15)] o.³ 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" ²[""]²;

28 ³[(16)] p.³ 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 ³[subparagraphs (a)] paragraphs (1)³ through
 31 ³[(d)] (4) of this subsection³ 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 ³[""]³;

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

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

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

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

1 ³[(17)] q.³ 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 ²[4.] 5.² 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 ³outside
10 the State or³ 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 ²[5.] 6.² ³[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 ²[3] 4² 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.³

30
31 ²[6.] 7.² a. A manufacturer of a product regulated pursuant to
32 section ²[3] 4² of this act shall annually test samples of its products
33 ³[in accordance with the test procedures adopted pursuant to this act]
34 in order to ensure compliance with the efficiency standards established
35 therein³.

36 b. A manufacturer of a product regulated pursuant to section ²[3]
37 4² 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 ²[3]
40 4² 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 ³An 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.³

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 ³[and shall report the results of such
9 investigations to the Attorney General]³. 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 ³[\$100] \$1,000³ for each subsequent
13 offense. Third and subsequent violations shall be subject to a civil
14 penalty of not more than ³[\$500] \$5,000³ for each offense. Each
15 violation shall constitute a separate offense, and each day that such
16 violation continues shall constitute a separate offense. ³The
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.³

23 f. ³[If] In addition the penalties provided in subsection e. of this
24 section, if³ 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 ³twice³ the cost of product purchase and testing. The
29 commissioner shall make information available to ³[the Attorney
30 General and]³ 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 ³[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.³

38
39 ²[7.] 8.² No later than 3 years after the date of enactment of
40 this act, the ³department, in consultation with the Board of Public
41 Utilities and the³ Department of Community Affairs ³,³ 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 ³9. 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.³

7

8 ²[8.] ³[9.²] 10.³ This act shall take effect ³[on January 1, 2022]
9 immediately³.

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.