

[Second Reprint]

SENATE, No. 3324

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 11, 2021

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Senators Diegnan, Weinberg, Gopal, Singleton and Greenstein

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 ¹**[state]** State¹ 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 ¹**[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:

¹Senate SEN committee amendments adopted March 4, 2021.

²Senate 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.
- 48 (3) Reflector lamps that are:

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

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

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

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

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

11 “Water cooler” means a freestanding device that consumes
12 energy to cool or heat potable water. ¹

13
14 ¹2. As used in this act:

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

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

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

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

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

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

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

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38 glass merchandizing cabinets, drawer warmers, or cook-and-hold
39 appliances.

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

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

47 “Commissioner” means the Commissioner of ²[Community
48 Affairs] Environmental Protection² .

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

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

5 ²“Department” means the Department of Environmental
6 Protection.²

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

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

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

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15 aerator for a private lavatory, public lavatory or residential kitchen
16 faucet.

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18 service incandescent lamp, compact fluorescent lamp, general
19 service light-emitting diode lamp, organic light-emitting diode
20 lamp, and any other lamps or bulbs that are used to satisfy lighting
21 applications traditionally served by general service incandescent
22 lamps.

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24 or fixed in place for the purpose of spraying water onto a bather and
25 that is connected to a flexible hose.

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27 fluorescent lamp with a color rendering index of 87 or greater that
28 is not a compact fluorescent lamp.

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

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

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

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

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

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

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

1 ²“Person” means an individual, corporation, company,
2 association, society, firm, partnership, or joint stock company.²

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

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

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

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

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

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

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

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

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26 (2) 3-way lamps;

27 (3) Reflector lamps that are:

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

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

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

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

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

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

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

41 “Water cooler” means a freestanding device that consumes
42 energy to cool or heat potable water.¹

43

44 ¹[2.] 3.¹ a. ²[No] Beginning one year after the date of
45 enactment of this act, no² person shall sell, offer for sale, or lease a
46 new air purifier, cold temperature fluorescent lamp, commercial
47 dishwasher, commercial fryer, commercial hot-food holding

1 cabinet, commercial oven, commercial steam cooker, computer,
2 computer monitor, electrical vehicle service equipment, high color
3 rendering index fluorescent lamp, impact-resistant fluorescent lamp,
4 faucet, showerhead, toilet, urinal, portable electric spa, residential
5 ventilating fan, state-regulated general service lamp; spray sprinkler
6 body, urinal, or water cooler in the State unless the new product
7 ²includes a mark, label, or tag required pursuant to subsection c. of
8 section 7 of this act, denoting that the product² meets or exceeds the
9 efficiency standards ²[adopted in rules and regulations pursuant to]
10 established in² section ¹[3] ⁴¹ of this act.

11 b. ²[No later than] Beginning² one year after the date of
12 enactment of this act, no product ²[subject to the requirements of]
13 identified in² subsection a. ²[or b.]² of this section may be installed
14 for compensation in the State unless the ²[efficiency of the]² new
15 product ²includes a mark, label, or tag required pursuant to
16 subsection c. of section 7 of this act, denoting that the product²
17 meets or exceeds the efficiency standards ²[adopted in rules and
18 regulations pursuant to] established in² section ¹[3] ⁴¹ of this act.

19 ²c. Beginning one year after the date of enactment of this act,
20 upon final inspection of the installation of any appliance or product
21 subject to the State Uniform Construction Code, the appropriate
22 subcode official shall ensure that any product identified in
23 subsection a. of this section contains a mark, label, or tag denoting
24 that the product meets or exceeds the efficiency standards
25 established in section 4 of this act.

26 d. No person shall affix a mark, label, or tag to a product
27 denoting compliance with this act unless the product meets or
28 exceeds the efficiency standards established in section 4 of this act.²
29

30 ¹[3.] ⁴¹ ²[a. No later than one year after the date of enactment
31 of this act, the commissioner, pursuant to the "Administrative
32 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
33 rules and regulations to establish energy efficiency standards to
34 implement the provisions of this act.

35 b. The rules and regulations shall provide for the minimum
36 efficiency standards for the following products² Except as
37 provided in section 5 of this act, products identified in subsection a.
38 of section 3 of this act shall, at a minimum, meet the following
39 efficiency standards:

40 ²[(1)] a.² Air purifiers, except industrial air purifiers, shall meet
41 the following requirements as measured in accordance with the
42 ENERGY STAR Program Requirements Product Specification for
43 Room Air Cleaners, Version 2.0:

44 ²[(a)] (1)² Clean air delivery rate for smoke shall be 30 or
45 greater;

- 1 ²**[(b)] (2)**² For models with a clean air delivery rate for smoke
2 less than 100, clean air delivery rate per Watt for smoke shall be
3 greater than or equal to 1.7;
- 4 ²**[(c)] (3)**² For models with a clean air delivery rate for smoke
5 greater than or equal to 100 and less than 150, clean air delivery
6 rate per Watt for smoke shall be greater than or equal to 1.9;
- 7 ²**[(d)] (4)**² For models with a clean air delivery rate for smoke
8 greater than or equal to 150, clean air delivery rate per Watt for
9 smoke shall be greater than or equal to 2.0;
- 10 ²**[(e)] (5)**² For ozone-emitting models, measured ozone shall be
11 less than or equal to 50 parts per billion (ppb);
- 12 ²**[(f)] (6)**² For models with a Wi-Fi network connection enabled
13 by default when shipped, partial on mode power shall not exceed 2
14 watts; and
- 15 ²**[(g)] (7)**² For models without a Wi-Fi network connection
16 enabled by default when shipped, partial on mode power shall not
17 exceed 1 watt.
- 18 ²**[(2)] b.**² A commercial dishwasher shall meet the product
19 specifications of the "Energy Star Program Requirements for
20 Commercial dishwashers Version 2.0" developed by the United
21 States Environmental Protection Agency ¹**[(.)]**¹;
- 22 ²**[(3)] c.**² A commercial fryer shall meet the product
23 specifications of the "Energy Star Program Requirements for
24 Commercial Fryers Version 2.0" developed by the United States
25 Environmental Protection Agency;
- 26 ²**[(4)] d.**² A commercial hot-food holding cabinet shall meet the
27 product specifications of the "Energy Star Program Requirements
28 for Commercial Hot Food Holding Cabinets Version 2.0" developed
29 by the United States Environmental Protection Agency;
- 30 ²**[(5)] e.**² A commercial oven shall meet the product
31 specifications of the "Energy Star Program Requirements for
32 Commercial Oven Version 2.2" developed by the United States
33 Environmental Protection Agency;
- 34 ²**[(6)] f.**² A commercial steam cooker shall meet the product
35 specifications of the "Energy Star Program Requirements for
36 Commercial Steam Cookers, Version 1.2" developed by the United
37 States Environmental Protection Agency;
- 38 ²**[(7)] g.**² A computer or computer monitor shall meet the
39 requirements of the California Code of Regulations, Title 20,
40 Section 1605.3(v) and compliance with those requirements shall be
41 measured in accordance with test methods prescribed in the
42 California Code of Regulations, Title 20, Section 1604(v);
- 43 ²**[(8)] h.**² Electric vehicle service equipment shall meet the
44 product specifications of the "Energy Star Program Requirements
45 Product Specification for Electric Vehicle Supply Equipment,
46 Version 1.0" developed by the United States Environmental
47 Protection Agency;

1 ²[(9)] i.² A faucet, except for a metering faucet, shall meet the
2 standards in this ²[paragraph] subsection² when tested in
3 accordance with Appendix S to Subpart B of Part 430 of Title 10,
4 Code of Federal Regulations and compliance with those
5 requirements shall be in accordance with the “Uniform Test Method
6 for Measuring the Water Consumption of Faucets and
7 Showerheads” ²[;] .²

8 ²[(a)] (1)² A lavatory faucet or a replacement aerator for a
9 lavatory faucet shall not exceed a maximum flow rate of 1.5 gallons
10 per minute at 60 pounds per square inch;

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

18 ²[(c)] (3)² A public lavatory faucet or a replacement aerator for
19 a public lavatory faucet shall not exceed a maximum flow rate of
20 0.5 gallons per minute at 60 pounds per square inch ¹[;] .¹

21 ²[(10)] j.² A state-regulated general service lamp shall meet a
22 lamp efficacy of 45 lumens per watt, when tested in accordance
23 with the applicable federal test procedures for general service
24 lamps, prescribed in Section 430.23(gg) of Title 10, Code of
25 Federal Regulations;

26 ²[(11)] k.² A High color rendering index, cold temperature, or
27 impact-resistant fluorescent lamp shall meet the minimum efficacy
28 requirements contained in Section 430.32(n)(4) of Title 10, Code of
29 Federal Regulations, as measured in accordance with the “Uniform
30 Test Method for Measuring Average Lamp Efficacy (LE), Color
31 Rendering Index (CRI), and Correlated Color Temperature (CCT)
32 of Electric Lamps” in Appendix R to Subpart B of Part 430 of Title
33 10, Code of Federal Regulations;

34 ²[(12)] l.² A portable electric spa shall meet the requirements of
35 the “American National Standard for Portable Electric Spa Energy
36 Efficiency 14-2019”;

37 ²[(13)] m.² An in-line residential ventilating fan shall have a
38 fan motor efficacy of no less than 2.8 cubic feet per minute per
39 watt. All other residential ventilating fans shall have a fan motor
40 efficacy of no less than 1.4 cubic feet per minute per watt for
41 airflows less than 90 cubic feet per minute and no less than 2.8
42 cubic feet per minute per watt for other airflows when tested in
43 accordance with Home Ventilation Institute Publication 916 “HVI
44 Airflow Test Procedure” ¹[;] .¹

45 ²[(14)] n.² A showerhead shall not exceed a maximum flow rate
46 of 2.0 gallons per minute at 80 pounds per square inch when tested
47 in accordance with Appendix S to Subpart B of Part 430 of Title 10,

1 Code of Federal Regulations and compliance with those
 2 requirements shall be the “Uniform Test Method for Measuring the
 3 Water Consumption of Faucets and Showerheads ¹ [;] ”;

4 ²[(15)] o.² A spray sprinkler body that is not specifically
 5 excluded from the scope of the United States Environmental
 6 Protection Agency’s WaterSense program “Specification for Spray
 7 Sprinkler Bodies, Version 1.0,” shall include an integral pressure
 8 regulator and shall meet the water efficiency and performance
 9 criteria and other requirements of the “Specification for Spray
 10 Sprinkler Bodies, Version 1.0” ¹ [.] ;¹

11 ²[(16)] p.² A urinal or toilet, other than those designed and
 12 marketed exclusively for use at prisons or mental health facilities,
 13 shall meet the standards in ² [subparagraphs (a)] paragraphs (1)²
 14 through ² [(d)] (4) of this subsection² when tested in accordance
 15 with Appendix T to Subpart B of Part 430 of Title 10 , Code of
 16 Federal Regulations “Uniform Test Method for Measuring the
 17 Water Consumption of Water Closets and Urinals.” A toilet shall be
 18 required to pass the waste extraction test for toilets in the American
 19 Society of Mechanical Engineers standard A112.19.2, Section 7.9
 20 ² [.] ;²

21 ²[(a)] (1)² A wall-mounted urinal, except for a trough-type
 22 urinal, shall have a maximum flush volume of 0.5 gallons per flush;

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

25 ²[(c)] (3)² A toilet, except for a dual-flush tank-type toilet, shall
 26 have a maximum flush volume of 1.28 gallons per flush; ¹ and¹

27 ²[(d)] (4)² A dual-flush tank-type toilet shall have a maximum
 28 dual-flush effective flush volume of 1.28 gallons per flush.

29 ²[(17)] q.² A water cooler shall meet the product specifications
 30 of the "Energy Star Program Requirements Product Specification
 31 for Water Coolers, Version 2.0" developed by the United States
 32 Environmental Protection Agency.

33

34 ¹ [4.] 5.¹ The provisions of this act shall not apply to:

35 (1) new products manufactured in the State and sold outside the
 36 State;

37 (2) new products manufactured outside the State and sold
 38 ² outside the State or² at wholesale inside the State for final retail
 39 sale and installation outside the State;

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

42 (4) products designed expressly for installation and use in
 43 recreational vehicles.

44

45 ¹ [5.] 6.¹ ² [a. The commissioner may require an updated test
 46 method pursuant to rules and regulations adopted pursuant to the

1 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
2 seq.) when a new test procedure becomes available for a product
3 regulated pursuant to this act.

4 b. The commissioner shall identify each product regulated
5 pursuant to section ¹~~3~~ ⁴ of this act and shall allow the use of
6 existing marks, labels, or tags, to denote compliance with the
7 efficiency requirements of this act, pursuant to rules and regulations
8 adopted pursuant to the "Administrative Procedure Act," P.L.1968,
9 c.410 (C.52:14B-1 et seq.). Nothing in this act shall be construed
10 to impose liability on any news media that accepts or publishes
11 advertising for any product that may fall within the scope of this
12 act.²

13
14 ¹~~6~~ ⁷ ¹ a. A manufacturer of a product regulated pursuant to
15 section ¹~~3~~ ⁴ of this act shall annually test samples of its products
16 ²in accordance with the test procedures adopted pursuant to this
17 act in order to ensure compliance with the efficiency standards
18 established therein² .

19 b. A manufacturer of a product regulated pursuant to section
20 ¹~~3~~ ⁴ of this act shall annually certify to the commissioner that
21 the product is in compliance with the provisions of this act.

22 c. A manufacturer of a product regulated pursuant to section
23 ¹~~3~~ ⁴ of this act shall identify that each product offered for sale in
24 the State is in compliance with the provisions of this act by means
25 of a mark, label, or tag on the product and packaging at the time of
26 sale. ²An existing mark, label, or tag may be used to satisfy this
27 requirement, provided that it clearly expresses that the product
28 meets the applicable efficiency standard. A manufacturer shall
29 include information about the mark, label, or tag used to comply
30 with the provisions of this subsection in its annual certification to
31 the commissioner required by subsection b. of this section.²

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

36 e. The commissioner shall investigate complaints received
37 concerning violations of this act ²and shall report the results of
38 such investigations to the Attorney General² . A manufacturer,
39 distributor, retailer, or person who violates the provisions of this
40 act, shall be issued a warning by the commissioner for a first
41 violation and shall be subject to a civil penalty of up to ²~~\$100~~
42 ~~\$1,000~~² for each subsequent offense. Third and subsequent
43 violations shall be subject to a civil penalty of not more than
44 ²~~\$500~~ ~~\$5,000~~² for each offense. Each violation shall constitute a
45 separate offense, and each day that such violation continues shall
46 constitute a separate offense. ²The department may institute an

1 action or proceeding in the Superior Court for injunctive and other
2 relief for any violation of this act or of any rule or regulation
3 adopted pursuant thereto, and the court may proceed in the action in
4 a summary manner. Such relief may include prohibiting the person
5 from selling or offering for sale the non-compliant product in the
6 State.²

7 f. ²**[If]** In addition the penalties provided in subsection e. of
8 this section, if² a product regulated pursuant to this act is found not
9 to be in compliance with the minimum efficiency standards
10 established under this act, the commissioner shall issue a violation
11 to the manufacturer of such product which shall subject the
12 manufacturer to a civil penalty equal to ²twice² the cost of product
13 purchase and testing. The commissioner shall make information
14 available to ²**[the Attorney General and]**² the public on products
15 found not to be in compliance with the standards.

16 g. A civil penalty imposed pursuant to this section shall be
17 collected in a summary manner under the "Penalty Enforcement
18 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). All monies
19 ²**[shall be deposited into the Societal Benefits Charge account]**
20 collected by the department may be retained by the department for
21 the costs of administering and enforcing the provisions of this act² .
22

23 ¹**[7.]** 8.¹ No later than 3 years after the date of enactment of
24 this act, the ²department, in consultation with the Board of Public
25 Utilities and the² Department of Community Affairs ^{2,2} shall
26 conduct a study to evaluate whether to add additional products to
27 those regulated pursuant to this act, and whether to adopt more
28 stringent energy standards or water conservation standards. The
29 commissioner shall submit a written report thereon to the Governor
30 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
31 Legislature with recommendations for legislative action.
32

33 ²9. The department may adopt rules and regulations, pursuant to
34 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
35 seq.), as necessary to implement the provisions of this act.²
36

37 ¹**[8.]** ²**[9.1]** 10.² This act shall take effect ²**[on January 1,**
38 **2022]** immediately² .