

OFFICE OF THE SECRETARY OF STATE

SHEMIA FAGAN
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 330
DEPARTMENT OF ENERGY

FILED

09/28/2021 3:40 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Update energy efficiency standard rules to reflect 2021 legislation; update computer and computer monitor standard.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/27/2021 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Wendy Simons

971-707-0044

wendy.simons@energy.oregon.gov

550 Capitol St NE

First Floor

Salem, OR 97301

Filed By:

Wendy Simons

Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 10/27/2021

TIME: 9:00 AM

OFFICER: Wendy Simons

ADDRESS: Oregon Department of
Energy

550 Capitol St NE

First Floor

Salem, OR 97301

SPECIAL INSTRUCTIONS:

The ODOE building is currently closed to the public, although the agency is open and continues to serve the public.

This public hearing will be conducted remotely via teleconference. ODOE will provide information on its website on how to connect to the public hearing by internet and telephone:

<https://www.oregon.gov/energy/GetInvolved/Pages/EE-StandardsRulemaking.aspx>

NEED FOR THE RULE(S):

This rulemaking proceeding is the last step in a multi-year process to adopt specific standards as directed in Executive Order 20-04, issued by Governor Kate Brown in March 2020, which in turn built upon a 2018 Oregon Department of Energy report. In response to EO 20-04, ODOE conducted a rulemaking process in summer 2020 to adopt new energy

efficiency standards for nine products and update standards for two additional products. As required by Oregon statute ORS 469.261, the Governor introduced legislation on behalf of the Department during the 2021 Legislative session to conform standards in statute to the rules adopted by ODOE. This legislation, House Bill 2062, was adopted by the Oregon Legislature and signed by the Governor on June 1, 2021. House Bill 2062 included amendments to ORS 469.261 which authorize ODOE to update existing standards to maintain or improve consistency with comparable standards in other states, without requiring the introduction of legislation at the next Legislative session.

The proposed rule changes consist mostly of housekeeping changes to conform agency rules to statute as recently amended by 2021 legislation, Oregon Laws 2021 chapter 108 (House Bill 2062), as well as an update to a single standard for computers and computer monitors. Proposed changes include: renumbering and re-ordering the list of covered products to align with statute; deleting an obsolete reference to an industry database; deleting a list of federally preempted products which is now obsolete after the adoption of House Bill 2062; encouraging rather than requiring manufacturers to also make similar requests to other states when they make a request for an alternative standard to the communications port and communication interface standards in Oregon for electric storage water heaters; and the update of the energy efficiency standard for computers and computer monitors to align with the updated standard adopted by California in December 2020.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Oregon Revised Statutes, Chapter 469: https://www.oregonlegislature.gov/bills_laws/ors/ors469.html

Oregon Administrative Rules, Chapter 330, Division 92:

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=1103>

Oregon Laws 2021, chapter 108 (House Bill 2062):

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB2062>

Executive Order 20-04: https://www.oregon.gov/gov/Documents/executive_orders/eo_20-04.pdf

Executive Order 17-20, 2018 ODOE Report, "Improved State Standards for Appliances":

<https://www.oregon.gov/energy/Get-Involved/Documents/2018-Appliance-Standards-Report.PDF>

FISCAL AND ECONOMIC IMPACT:

Most of the changes proposed to Division 92 by the proposed rule amendments are housekeeping changes to remove obsolete references and conform the numbering in rule with the numbering in statute. These changes will make the rules easier to navigate, but will have no substantive impact; hence, the department anticipates no economic impact from the proposed changes that renumber and re-order the list of products in the rules and delete obsolete provisions.

The department anticipates that the other two rule changes proposed in this rulemaking proceeding will have a positive economic impact. The first proposed change is an update to the state computer and computer monitor energy efficiency standard to align Oregon's standard with the standard adopted by California in December 2020 for equivalent equipment. The department anticipates the updated computer and computer monitor standard will have a positive economic impact by saving consumers money on their energy bills and bringing consistency to the market for equipment manufacturers and suppliers. The second proposed change would encourage rather than require manufacturers to also make similar requests to other states when they make a request for an alternative standard to the communications port and communication interface standards in Oregon for electric storage water heaters. This change will lessen the requirements for manufacturers of electric storage water heaters, while preserving the ability of the department to encourage consistency between Oregon standards and standards in other states.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s): As noted elsewhere in this notice, the proposed rule changes consist mostly of housekeeping changes to conform agency rules to statute as recently amended by 2021 legislation. These non-substantive changes will have no economic effect on state agencies, local governments and members of the public.

ODOE anticipates minimal or no economic impact for state agencies, units of local government, and members of the public from the two additional proposed changes. In the case of the proposed update to Oregon's energy efficiency standard for computers and computer monitors, the update would align Oregon's standard with California's updated standard adopted December 9, 2020. Manufacturers of affected products will be already required to meet energy efficiency standards, as well as registration and labeling requirements, in California. ODOE is also proposing an amendment relating to the process for a manufacturer to submit a request for an alternative communications port and communication interface standards for electric storage water heaters; the suggested language change would encourage rather than require manufacturers to make requests to other states when they suggest an alternative standard in Oregon.

Businesses that sell and/or install products affected by the proposed standards are likely to see no or minimal economic effects from the rules. Since the effective date of the new standards applies to the manufacture date, at some point dealers will receive from manufacturers only new stock that meets or exceeds the new and updated standards. However, dealers and installers will not be prohibited from selling or installing inventory that was manufactured before the effective date. Additionally, consumers and members of the public will not be required to replace non-compliant equipment that is still in-service. These standards apply only to equipment that is manufactured after the effective date and subsequently sold, offered for sale, or installed in Oregon.

(2) Effect on small businesses: (a) Estimate the number and type of small businesses subject to the rules. The department is not aware of any small businesses in the state that manufacture the products affected by the updated computer and computer monitor standard. Many dealers and installers of the affected products are small businesses; however, as noted above, dealers and installers may continue to sell and/or install any products in inventory that do not meet the new or updated standards, and will continue to have the ability to sell products that meet the newly proposed standards. Equipment meeting the proposed standards is already readily available in the marketplace.

(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rules. ODOE does not expect the proposed rules to increase reporting, recordkeeping, or administrative activities or costs for compliance. The proposed non-substantive, housekeeping changes impose no compliance obligation, and will make it easier for interested parties to navigate the rules by aligning the numbering in rule with the numbering in statute and by removing obsolete material.

Manufacturers of computer and computer monitor products will be required to meet the equivalent energy efficiency

standard as in California, as well as registration and labeling requirements. As noted above, dealers and installers of the computer and computer monitor products may continue to sell and/or install products in inventory not meeting the new or updated standards, as well as products that meet the new standards. Dealers and installers will not be required to engage in any new reporting, recordkeeping or administrative activities in order to comply with these rules.

Manufacturers of electric storage water heaters will no longer be required, but instead encouraged, to also make similar requests to other states when they request that Oregon allow alternative communications port and communication interface standards for electric storage water heaters.

(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rules. The department anticipates minimal, if any, additional expenses for businesses to comply with Oregon standards. As noted above, the proposed non-substantive, housekeeping changes impose no compliance obligation, and will make it easier for interested parties to navigate the rules by aligning the numbering in rule with the numbering in statute and by removing obsolete material. Regarding the proposed update to the computer and computer monitor energy efficiency standard, the department has tried to minimize compliance costs for product manufacturers by duplicating energy efficiency standards and compliance requirements, such as registration and labeling, already in place in California. As noted above, under the proposed rule amendments manufacturers of electric storage water heaters would no longer be required, but instead encouraged, to also make similar requests to other states when they request that Oregon allow alternative communications port and communication interface standards for electric storage water heaters.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

This rulemaking proceeding is the last step in a multi-year process to adopt specific standards as directed in Executive Order 20-04, issued by Governor Kate Brown in March 2020. The public process by which new and updated energy efficiency standards were considered and adopted included multiple opportunities for stakeholders to provide input on energy efficiency standards, both before and during ODOE's 2020 rulemaking proceeding and then during the 2021 Oregon legislative session.

The proposed rule changes consist mostly of housekeeping changes to conform agency rules to statute as recently amended by 2021 legislation. Regarding the two additional proposed rule changes, i.e. encouraging rather than requiring manufacturers to make similar requests to other states for an alternative standard for communications ports and communication interface standards for electric storage water heaters and the update to the computer and computer monitor standard, the department is not aware of any small businesses in the state that manufacture the products affected by the new and updated standards. Many dealers and installers of the affected products are small businesses; however, dealers and installers may continue to sell and/or install any products in inventory that do not meet the new or updated standards.

Before filing a hearing notice and draft rules, ODOE reached out to all interested parties who have signed up to be notified of rulemaking activity regarding energy efficiency standards, including small businesses and associations which represent businesses of all sizes who manufacture, sell or install the affected products. Oregon stakeholders and the trade association for the computer industry voiced support for the proposed update to computer and computer monitor standards to align with the standard recently adopted by California. ODOE amended draft rule language relating to electric storage water heaters at the suggestion of a water heater manufacturer.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The proposed rule changes consist mostly of housekeeping changes to conform agency rules to statute as recently amended by 2021 legislation, Oregon Laws 2021 chapter 108 (House Bill 2062), as well as an update to the existing Oregon standard for computers and computer monitors. This rulemaking proceeding is the last step in a multi-year process to adopt specific standards as directed in Executive Order 20-04, issued by Governor Kate Brown in March 2020. The public process by which new and updated energy efficiency standards were considered and adopted included multiple opportunities for stakeholders to provide input on energy efficiency standards, both before and during ODOE's 2020 rulemaking proceeding and then during the 2021 Oregon legislative session.

Before filing a hearing notice and draft rules for this proceeding, ODOE reached out to all interested parties who have signed up to be notified of rulemaking activity regarding energy efficiency standards and held a stakeholder advisory meeting on September 8, 2021, to which all interested parties were invited. Sixteen stakeholders attended the meeting, including a representative for the computer technology industry association which is supportive of ODOE's proposal to align Oregon's computer and computer monitor energy efficiency standard with California's recently adopted standard and a representative of a major water heater manufacturer who suggested a change to the language around the process for requesting alternative standards for Oregon communications ports and communication interface standards for electric storage water heaters.

HOUSING IMPACT STATEMENT:

As required under ORS 183.530 and 183.534, the Department has considered the potential impact of these rules and believes these rules will cause no impact to the following costs for developing a typical 1,200 square foot detached single-family dwelling on a 6,000 square foot parcel of land:

- (1) materials and labor costs
- (2) administrative construction or other costs
- (3) land costs, or
- (4) other costs

RULES PROPOSED:

330-092-0010, 330-092-0015, 330-092-0020, 330-092-0025, 330-092-0045

AMEND: 330-092-0010

RULE SUMMARY: The proposed changes would remove the definition of a database that is no longer referenced in ODOE rules and renumber remaining items.

CHANGES TO RULE:

330-092-0010

Definitions ¶¶

As used in OAR 330-092-0010 through 330-092-0070:¶¶

- (1) "Bottle-type water dispenser" or "water cooler" means a water dispenser that uses a bottle or reservoir as the source of potable water. This includes freestanding devices that consume energy to cool or heat potable water, including cold only units, hot and cold units, cook and cold units, storage-type units, and on-demand units.¶¶
- (2) "California Rule" means Title 20, Division 2, Chapter 4, Article 4, California Code of Regulations, in effect on January 2019, revised September 2019.¶¶
- (3) "Commercial dishwasher" means a machine designed to clean and sanitize plates, pots, pans, glasses, cups, bowls, utensils, and trays by applying sprays of detergent solution (with or without blasting media granules) and a

sanitizing rinse.¶

(4) "Commercial fryer" means an appliance, including a cooking vessel, in which oil is placed to such a depth that the cooking food is essentially supported by displacement of the cooking fluid rather than by the bottom of the vessel. Heat is delivered to the cooking fluid by means of an immersed electric element of band-wrapped vessel (electric fryers) or by heat transfer from gas burners through either the walls of the fryer or through tubes passing through the cooking fluid (gas fryers).¶

(5) "Commercial steam cooker," also known as "compartment steamer," means a device with one or more food-steaming compartments in which the energy in the steam is transferred to the food by direct contact. Models may include countertop models, wall-mounted models, and floor models mounted on a stand, pedestal, or cabinet-style base.¶

(6) "Computers" and "computer monitors" have the meaning as used in California Rule.¶

(7) "Director" means the Director of the Oregon Department of Energy. ¶

(8) "Department" means the Oregon Department of Energy.¶

(9) "Equipment" means a category of equipment or appliances regulated by ORS 469.229 to 469.261 and described in OAR 330-092-0015, below.¶

(10) "Electric storage water heater" means a consumer product that uses electricity as the energy source to heat domestic potable water, has a nameplate input rating of twelve kilowatts or less, contains nominally forty gallons but no more than one hundred twenty gallons of rated hot water storage volume, and supplies a maximum hot water delivery temperature less than one hundred eighty degrees Fahrenheit.¶

(11) "Faucet" and the following related terms have the meaning as used in California Rule:¶

(a) "Lavatory faucet"¶

(b) "Lavatory replacement aerator"¶

(c) "Kitchen faucet"¶

(d) "Kitchen replacement aerator"¶

(e) "Public lavatory faucet"¶

(f) "Flow rate"¶

(g) "Plumbing fitting"¶

(h) "Showerhead"¶

(i) "Water use"¶

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

(13) "~~Multi-State Compliance System~~" or ~~M-SCS~~ means the multi-state database program located at www.appliancestandards.org to register and list compliant equipment.¶

~~(14)~~ "MAEDbS" means the modernized appliance efficiency database system established pursuant to section 1606(c) of the California Rule and maintained by the California energy commission.¶

~~(154)~~ "Portable electric spa" means a factory-built electric spa or hot tub which may or may not include any combination of integral controls, water heating or water circulating equipment.¶

~~(165)~~ "Product" means a particular model number or series available from a particular manufacturer, as distinct from a category of equipment.¶

~~(176)~~ "Residential ventilating fan" means a ceiling, wall-mounted, or remotely mounted in-line fan designed to be used in a bathroom or utility room, whose purpose is to move air from inside the building to the outdoors.

Statutory/Other Authority: ORS 469.040, ORS 469.255, ORS 469.261

Statutes/Other Implemented: ORS 469.229-469.261

AMEND: 330-092-0015

RULE SUMMARY: The proposed changes would re-order and re-number the list of products to match the new order and numbers in statute; update the corresponding statutory references; and group the list of plumbing fittings to match the language in statute as amended by Oregon Laws chapter 108 (House Bill 2062).

CHANGES TO RULE:

330-092-0015

Effective Dates for Regulated Equipment ¶¶

The following list specifies the effective dates for equipment standards, test procedures, listing, and labeling requirements which have been adopted in these rules:¶¶

~~(1) Televisions, as defined in ORS 469.229(43),¶¶~~

(1) Bottle-type water dispensers, as defined in OAR 330-092-0010(1): The standards in OAR 330-092-0020(1) are effective for bottle-type water dispensers that are manufactured on or after January 1, 2022.¶¶

(2) Commercial hot food holding cabinets, as defined in ORS 469.229(13): The standards in ORS 469.233(2) are effective September 1, 2009 for sale of equipment in Oregon and September 1, 2010 for installation.¶¶

(3) Compact audio products, as defined in ORS 469.229(15): The standards in ORS 469.233(3) are effective September 1, 2009 for sale of equipment in Oregon and September 1, 2010 for installation.¶¶

(4) Digital versatile disc players and digital versatile disc recorders, as defined in ORS 469.229(21): The standards in ORS 469.233(4) are effective September 1, 2009 for sale of equipment in Oregon and September 1, 2010 for installation.¶¶

(5) Portable electric spas, as defined in OAR 330-092-0010(14): The standards in OAR 330-092-0020(5) are effective for portable electric spas that are manufactured on or after January 1, 2022.¶¶

(6) Televisions, as defined in ORS 469.229(44): The standards in ORS 469.233(186) are effective for televisions that are manufactured on or after January 1, 2014.¶¶

~~(27) Battery charger systems, as defined in ORS 469.229(76): The standards in ORS 469.233(197) are effective for:¶¶~~

(a) Large battery charger systems manufactured on or after January 1, 2014. Federally regulated large battery charger systems that are manufactured on or after June 13, 2018 are pre-empted from further state regulation.¶¶

(b) Small battery charger systems for sale at retail that are not USB charger systems with a battery capacity of 20 watt-hours or more and that are manufactured on or after January 1, 2014. Federally regulated small battery charger systems that are manufactured on or after June 13, 2018 are pre-empted from further state regulation.¶¶

(c) Small battery charger systems for sale at retail that are USB charger systems with a battery capacity of 20 watt-hours or more and that are manufactured on or after January 1, 2014. Federally regulated small battery charger systems that are manufactured on or after June 13, 2018 are pre-empted from further state regulation.¶¶

(d) Small battery charger systems that are not sold at retail that are manufactured on or after January 1, 2017. Federally regulated small battery charger systems that are manufactured on or after June 13, 2018 are pre-empted from further state regulation.¶¶

(e) Inductive charger systems manufactured on or after January 1, 2014, unless the inductive charger system uses less than one watt in battery maintenance mode, less than one watt in no battery mode and an average of one watt or less over the duration of the charge and battery maintenance mode test. Federally regulated inductive charger systems that are manufactured on or after June 13, 2018 are pre-empted from further state regulation.¶¶

(f) Battery backups and uninterruptible power supplies, manufactured on or after January 1, 2014, for small battery charger systems for sale at retail, which may not consume more than 0.8+ (0.0021xEb) watts in battery maintenance mode, where (Eb) is the battery capacity in watt-hours. Federally regulated uninterruptible power supplies that are manufactured on or after June 13, 2018 are pre-empted from further state regulation.¶¶

(g) Battery backups and uninterruptible power supplies, manufactured on or after January 1, 2017, for small battery charger systems not sold at retail, which may not consume more than 0.8+ (0.0021xEb) watts in battery maintenance mode, where (Eb) is the battery capacity in watt-hours. Federally regulated uninterruptible power

supplies that are manufactured on or after June 13, 2018 are pre-empted from further state regulation.¶

~~(38) Bottle-type water dispensers, as defined in OAR 330-092-0010(1): ¶~~

~~(a) High light output double-ended quartz halogen lamps, as defined in ORS 469.229(27): The standards in ORS 469.233(12)(8), are effective September 1, 2009 for sale of equipment in Oregon and September 1, 2010 for installation. ¶~~

~~(b) High CRI fluorescent lamps: The standards in OAR 330-092-0020(39) are effective for bottle-type water dispenser high CRI fluorescent lamps that are manufactured on or after January 1, 2023. ¶~~

~~(410) Commercial hot food holding cabinets, as defined in ORS 469.229(13): The standards in ORS 469.233(13) are effective September 1, 2009 for sale of equipment in Oregon and September 1, 2010 for installation. ¶~~

~~(5) Compact audio products, as defined in ORS 469.229(16) puters and computer monitors: The standards in ORS 469.233 AR 330-092-0020(140) are effective September 1, 2009 for sale of equipment in Oregon and September 1, 2010 for installation. ¶~~

~~(6) Digital versatile disc players and digital versatile disc recorders, as defined in ORS 469.229(21): The standards in ORS 469.233(15) are effective September 1, 2009 for sale of equipment in Oregon and September 1, 2010 for installation. ¶~~

~~(7) High light output double-ended quartz halogen lamps, as defined in ORS 469.229(24): The standards in ORS 469.233(20), are effective January 1, 2016, for sale of equipment and installation. ¶~~

~~(8) Portable electric spas, as defined in OAR 330-092-0010(15): ¶~~

~~(a) The standards in ORS 469.233(16) are effective September 1, 2009 for sale of equipment in Oregon and September 1, 2010 for installation. ¶~~

~~(b) for computers and computer monitors that are manufactured on or after January 1, 2022. ¶~~

~~(11) Plumbing fittings: ¶~~

~~(a) Lavatory faucets and lavatory replacement aerators: The standards in OAR 330-092-0020(811) are effective for portable electric spa lavatory faucets and lavatory replacement aerators that are manufactured on or after January 1, 2022; and ¶~~

~~(9b) High CRI fluorescent lamps: The standards in OAR 330-092-0020(9) are effective for high CRI fluorescent lamps that are manufactured on or after January 1, 2023. ¶~~

~~(10) Computers and computer moni Kitchen faucets and kitchen replacement aerators: The standards in OAR 330-092-0020(101) are effective for computers and computer moni kitchen faucets and kitchen replacement aerators that are manufactured on or after January 1, 2022. ¶~~

~~(14) F; and ¶~~

~~(c) Public lavatory faucets: The standards in OAR 330-092-0020(11) are effective for public lavatory faucets that are manufactured on or after January 1, 2022. ¶~~

~~(12; and ¶~~

~~(d) Showerheads: The standards in OAR 330-092-0020(121) are effective for showerheads that are manufactured on or after January 1, 2022. ¶~~

~~(132) Commercial fryers: The standards in OAR 330-092-0020(132) are effective for commercial fryers that are manufactured on or after January 1, 2022. ¶~~

~~(143) Commercial dishwashers: The standards in OAR 330-092-0020(143) are effective for commercial dishwashers that are manufactured on or after January 1, 2022. ¶~~

~~(154) Commercial steam cookers: The standards in OAR 330-092-0020(154) rules are effective for commercial steam cookers that are manufactured on or after January 1, 2022. ¶~~

~~(165) Residential ventilating fans: The standards in OAR 330-092-0020(165) are effective for residential ventilating fans that are manufactured on or after January 1, 2022. ¶~~

~~(176) Electric storage water heaters: The standards in OAR 330-092-0020(176) are effective for electric storage water heaters that are manufactured on or after January 1, 2022. ¶~~

~~(18) The following equipment is currently federally regulated and not subject to further regulation under ORS 469.229 through 469.261 or these rules: ¶~~

~~(a) Automatic commercial ice cube machines as defined in ORS 469.229(2). ¶~~

(b) Battery charger systems and uninterruptible power supply chargers as defined in ORS 469.229 that meet the scope of federal regulation.¶

(c) Commercial clothes washers, as defined in ORS 469.229(12). ¶

(d) Commercial pre-rinse spray valves, as defined in ORS 469.229(14). ¶

(e) Commercial refrigerators and freezers, as defined in ORS 469.229(15). ¶

(f) Illuminated exit signs, as defined in ORS 469.229(25). ¶

(g) Metal halide lamp fixtures, as defined by ORS 469.229(29). ¶

(h) Single-voltage external AC to DC power supplies, as defined in ORS 469.229(40). ¶

(i) Incandescent reflector lamps, as defined in ORS 469.229(42). ¶

(j) Torchieres, as defined in ORS 469.229(46). ¶

(k) Traffic signal modules, as defined in ORS 469.229(47). ¶

(l) Unit heaters, as defined in ORS 469.229(48). ¶

(m) Walk-in refrigerators and walk-in freezers, as defined in ORS 469.229(50).

Statutory/Other Authority: ORS 469.040, ORS 469.255, ORS 469.261

Statutes/Other Implemented: ORS 469.229-469.261, OL 2021, ch 108 (House Bill 2062)

AMEND: 330-092-0020

RULE SUMMARY: The proposed changes would re-order and re-numbered the list of products to match the new order and numbers in statute; update corresponding references; and group plumbing fittings together to reflect the language in statute as amended by Oregon Laws chapter 108 (House Bill 2062).

Secondly, the proposed amendments would update the standard for computers and computer monitors to match an amendment to the standard which was adopted by California December 9, 2020, and will become effective December 9, 2021. The original reference date to California was "as adopted on May 10, 2017, and amended on November 8, 2017".

Thirdly, the proposed amendments would encourage rather than require manufacturers to also make a similar request to other states when they make a request for an alternative communications port and communication interface standard in Oregon for electric storage water heaters.

CHANGES TO RULE:

330-092-0020

Minimum Energy Efficiency Standards and Test Methods ¶

- (1) Televisions: Beginning on the effective date shown in OAR 330-092-0015(1), bottle-type water dispensers, or water coolers, included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for water coolers, version 2.0, must have an "on mode with no water draw" energy consumption less than or equal to the following values as measured in accordance with the test requirements of that program:¶
- (a) 0.16 kilowatt-hours per day for cold-only units and cook and cold units;¶
 - (b) 0.87 kilowatt-hours per day for storage type hot and cold units; and¶
 - (c) 0.18 kilowatt-hours per day for on demand hot and cold units.¶
- (2) Commercial hot food holding cabinets: Beginning on the effective date shown in OAR 330-092-0015(2), commercial hot food holding cabinets shall meet the requirements of ORS 469.233(2).¶
- (3) Compact audio products: Beginning on the effective date shown in OAR 330-092-0015(3), compact audio products shall meet the requirements of ORS 469.233(3).¶
- (4) Digital versatile disc players and digital versatile disc recorders: Beginning on the effective date shown in OAR 330-092-0015(4), digital versatile disc players and digital versatile disc recorders shall meet the requirements of ORS 469.233(4).¶
- (5) Portable electric spas: Beginning on the effective date shown in OAR 330-092-0015(5), portable electric spas must meet the requirements of the American National Standard for portable electric spa energy efficiency (ANSI/APSP/ICC- 14 2019) and must be tested in accordance with the method specified in the American National Standard for portable electric spa energy efficiency (ANSI/APSP/ICC-14 2019).¶
- (6) Televisions: Beginning on the effective date shown in OAR 330-092-0015(6), televisions must meet the energy efficiency standards in ORS 469.233(186) as measured in accordance with the federal test procedure described in 10 CFR Section 430.23(h) (Appendix H to Subpart B of Part 430) (2013). Alternatively, until April 23, 2014, television efficiency may be measured in accordance with:¶
- (a) For standby passive mode, the test methods contained in International Electrotechnical Commission (IEC) 62301:2005, Edition 1.0 "Household Electrical Appliances - Measurement of Standby Power"; and¶
 - (b) For on mode and power factor test, the test methods contained in IEC 62087:20008(E), Edition 2.0 - "Methods of Measurement for the Power Consumption of Audio, Video and Related Equipment", Section 11.6.1 - "On mode (average testing with dynamic broadcast-content video signal" and the specifications contained in the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, Section 1604(v)(3), effective January 1, 2011.¶

(27) Battery charger systems: Beginning on the effective date shown in OAR 330-092-0015(27), battery charger systems must meet the energy efficiency standards in ORS 469.233(197) as measured in accordance with:

(a) For small battery charger systems that are not: federally regulated battery chargers, uninterruptible power supplies, or battery backups, the test methods contained in 10 CFR Section 430.23(aa) (Appendix Y to Subpart B of Part 430) (Jan. 1, 2017).

(A) Multi-port battery charger systems shall be tested for 24-hour efficiency and maintenance mode with a battery in each port.

(B) For single port small battery charger systems, the highest 24-hour charge and maintenance energy, maintenance mode, and no battery mode results of the test procedure shall be used for purposes of reporting and determining compliance with ORS 469.233(197)(b).

(C) For purposes of computing the small battery charger system standard, the number of ports included in a multi-port charger system shall be equal to the number ports that are separately controlled. For example, a multi-port charger system that charges eight batteries by using two charge controllers that charge four batteries in parallel would use two for "N" as described in ORS 469.233(197)(b).

(D) Small battery charger systems that are not sold at retail may use the battery manufacturer's recommended end of discharge voltage in place of values in 10 CFR section 420.23(aa) (Appendix Y to subpart B of part 430) (Jan.1, 2017), Table 3.3.2, where the table's values are not applicable.

(b) For battery backups and non-federally regulated uninterruptible power supplies, the test methods contained in 10 CFR Section 430.23(aa) (Appendix Y to Subpart B of Part 430) (Jan. 1, 2016).

(c) For large battery charger systems that are not federally regulated battery chargers or federally regulated uninterruptible power supplies, the test methods contained in Energy Efficiency Battery Charger System Test Procedure Version 2.2 dated November 12, 2008, and published by ECOS and EPRI Solutions, with the following modifications:

(A) The test procedure shall be conducted for 100, 80, and 40 percent discharge rates for only one charge profile, battery capacity, and battery voltage. The manufacturer shall test one battery and one charge profile using the following criteria:

(i) the charge profile with the largest charge return factor;

(ii) the smallest rated battery capacity; and

(iii) the lowest voltage battery available at that rated capacity.

(B) The battery manufacturer's recommended end of discharge voltage may be used in place of values in the test method part 1, section III.F, Table D where the table's values are not applicable.

(3) ~~Bottle-type water dispensers: Beginning on the effective date shown in OAR 330-092-0015(3), bottle-type water dispensers, or water coolers, included in the scope of the Environmental Protection Agency ENERGY STAR program product specification for water coolers, version 2.0, must have an "on mode with no water draw" energy consumption less than or equal to the following values as measured in accordance with the test requirements of that program:~~

~~(a) 0.16 kilowatt-hours per day for cold-only units and cook and cold units;~~

~~(b) 0.87 kilowatt-hours per day for storage type hot and cold units; and~~

~~(c) 0.18 kilowatt-hours per day for on demand hot and cold units.~~

(4) Commercial hot food holding cabinets: Beginning on the effective date shown in OAR 330-092-0015(4), commercial hot food holding cabinets shall meet the requirements of ORS 469.233(13).

(5) Compact audio products: Beginning on the effective date shown in OAR 330-092-0015(5), compact audio products shall meet the requirements of ORS 469.233(14).

(6) Digital versatile disc players and digital versatile disc recorders: Beginning on the effective date shown in OAR 330-092-0015(6), digital versatile disc players and digital versatile disc recorders shall meet the requirements of ORS 469.233(15).

(78) High light output double-ended quartz halogen lamps: Beginning on the effective date shown in OAR 330-092-0015(1)(g8), high light output double-ended quartz halogen lamps must meet the energy efficiency standards in ORS 469.233(208), as measured in accordance with the IESNA LM-45: Approved Method for

Electrical and Photometric Measurements of General Service Incandescent Filament Lamps published by the Illuminating Engineering Society of North America.¶

~~(8) Portable electric spas: Beginning on the effective date shown in OAR 330-092-0015(8), portable electric spas must meet the requirements of the American National Standard for portable electric spa energy efficiency (ANSI/APSP/ICC-14-2019) and must be tested in accordance with the method specified in the American National Standard for portable electric spa energy efficiency (ANSI/APSP/ICC-14-2019).¶~~

(9) High CRI fluorescent lamps: Beginning on the effective date shown in OAR 330-092-0015(9), high CRI fluorescent lamps shall meet the minimum efficacy requirements contained in Section 430.32(n)(4) of Title 10 of the Code of Federal Regulations as in effect on January 1, 2020, as measured in accordance with Appendix R to Subpart B of Part 430 of Title 10 of the Code of Federal Regulations-"Uniform Test Method for Measuring Average Lamp Efficacy (LE), Color Rendering Index (CRI), and Correlated Color Temperature (CCT) of Electric Lamps"-as in effect on January 1, 2020.¶

(10) Computers and computer monitors: Beginning on the effective date shown in OAR 330-092-0015(10), computers and computer monitors must meet the requirements in the California Code of Regulations, Title 20, section 1605.3(v) ~~as adopted on May 10, 2017, and amended on Nov~~ in effect as of December 89, 20217, as measured in accordance with test methods prescribed in section 1604(v) of those regulations.¶

(11) ~~Faucet~~ Plumbing Fittings: Beginning on the effective date shown in OAR 330-092-0015(11), the following plumbing fittings must meet the requirements in the California Code of Regulations, Title 20, section 1605.3 as in effect on January 1, 2020, as measured in accordance with the test methods prescribed in the California Code of Regulations, Title 20, section 1604 as in effect on January 1, 2020.¶

(a) Lavatory faucets and lavatory replacement aerators¶

(b) Kitchen faucets and kitchen replacement aerators¶

(c) Public lavatory faucets¶

~~(12) Showerheads: Beginning on the effective date shown in OAR 330-092-0015(12), showerheads must meet the requirements in the California Code of Regulations, Title 20, section 1605.3 as in effect on January 1, 2020, as measured in accordance with the test methods prescribed in the California Code of Regulations, Title 20, section 1604 as in effect on January 1, 2020~~d) Showerheads.¶

~~(13)~~ Commercial fryers: Beginning on the effective date shown in OAR 330-092-0015(~~13~~2), commercial fryers included in the scope of the Environmental Protection Agency ENERGY STAR[®] program product specification for commercial fryers, version 2.0, must meet the qualification criteria, requirements, and testing requirements for that specification.¶

~~(14)~~ Commercial dishwashers: Beginning on the effective date shown in OAR 330-092-0015(~~14~~3), commercial dishwashers included in the scope of the Environmental Protection Agency ENERGY STAR[®] program product specification for commercial dishwashers, version 2.0, must meet the qualification criteria, requirements, and testing requirements of that specification.¶

~~(15)~~ Commercial steam cookers: Beginning on the effective date shown in OAR 330-092-0015(~~15~~4), commercial steam cookers included in the scope of the Environmental Protection Agency ENERGY STAR[®] program product specification for commercial steam cookers must meet the qualification criteria, requirements, and testing requirements of the ENERGY STAR[®] Program Product Specification for Commercial Steam Cookers, version 1.2.¶

~~(16)~~ Residential ventilating fans: Beginning on the effective date shown in OAR 330-092-0015(~~16~~5), residential ventilating fans included in the scope of the Environmental Protection Agency ENERGY STAR[®] program product specification for residential ventilating fans shall meet the qualification criteria of the ENERGY STAR[®] Program Requirements Product Specification for Residential Ventilating Fans, version 3.2.¶

~~(17)~~ Electric storage water heaters:¶

(a) Beginning on the effective date shown in OAR 330-092-0015(~~17~~6), electric storage water heaters must have a modular demand response communications port compliant with:¶

(A) The March 2018 version of the ANSI/CTA-2045-A communication interface standard, or a standard determined by the department to be equivalent; and¶

(B) The March 2018 version of the ANSI/CTA-2045-A application layer requirements.¶

(b) Upon written request and submittal of information by a manufacturer, the department will determine whether an alternative communications port and communication interface standard are equivalent for the purposes of subsection (a) of this section. ~~Any such request to the department must also be made~~The department encourages manufacturers to also make such a request to other states that have a similar standard, ~~and t.~~ The department may coordinate review of the submittal with other states, and when making its determination may consider if similar requests have been made to other states and any responses from those states in order to encourage consistency between Oregon standards and standards in other states.¶

(A) Any requested alternative must use a standard that is open and widely available and must provide the demand response functions provided using the standards identified in subsection (a) of this section.¶

(B) A request for designation of a standard must provide technical documentation demonstrating that the standard satisfies the requirements in (A) of this subsection and must describe any industry or stakeholder process used in developing the standard. The department will provide reasonable opportunity for input by utilities, manufacturers, technical experts and other interested stakeholders prior to determining whether the proposed standard is equivalent. The department will make available on a publicly accessible website any standard that it determines to be equivalent.

Statutory/Other Authority: ORS 469.040, ORS 469.255, ORS 469.261, OL 2021, ch 108 (House Bill 2062)

Statutes/Other Implemented: ORS 469.229-469.261, OL 2021, ch 108 (House Bill 2062)

AMEND: 330-092-0025

RULE SUMMARY: The proposed changes would re-order and re-number the list of products to match the new order and numbers in statute, and group plumbing fittings to reflect the grouping of products in statute as amended by Oregon Laws 2021 chapter 108 (House Bill 2062).

CHANGES TO RULE:

330-092-0025

Reporting Product Compliance ~~Through the Multi-State Compliance System~~ ¶

The following listing requirements shall apply to products as long as that listing is available for the specific standard and product: ¶

(1) ~~Television~~ Bottle-type water dispensers: each manufacturer must cause to be listed each ~~television, by model number, in MAEDbS.~~ ¶

(2) ~~Battery charging system~~ bottle-type water dispenser, by model number, in the ENERGY STAR[®] product database. ¶

(2) Commercial hot food holding cabinets: each manufacturer must cause to be listed each ~~battery charging system, by model number, in MAEDbS.~~ ¶

(3) ~~Bottle-type water dispensers:~~ ¶

(a) ~~For products that must comply with the standard in ORS 469.233(12),~~ commercial hot food holding cabinet, by model number, in MAEDbS. ¶

(3) Compact audio products: each manufacturer must cause to be listed each ~~bottle-type water dispenser~~ compact audio product, by model number, in MAEDbS. ¶

(b) ~~4) For products that must comply with the standard in OAR 330-092-0020(3), each manufacturer must cause to be listed each bottle-type water dispenser, by model number, in the ENERGY STAR[®] product database~~ Digital versatile disc players and digital versatile disc recorders: each manufacturer must cause to be listed each digital versatile disc players and digital versatile disc recorder, by model number, in MAEDbS. ¶

(4) ~~Commercial hot food holding cabinet~~ Portable electric spas: each manufacturer must cause to be listed each ~~commercial hot food holding cabinet~~ portable electric spa, by model number, in MAEDbS. ¶

(5) ~~Compact audio product~~ Televisions: each manufacturer must cause to be listed each ~~compact audio product~~ television, by model number, in MAEDbS. ¶

(6) ~~7) Digital versatile disc players and digital versatile disc recorders: each manufacturer must cause to be listed each digital versatile disc players and digital versatile disc recorder~~ Battery charging systems: each manufacturer must cause to be listed each battery charging system, by model number, in MAEDbS. ¶

(7) ~~8) High light output double-ended quartz halogen lamps: high light output double-ended quartz halogen lamps have no product listing requirement.~~ ¶

(8) ~~9) Portable electric spa~~ High CRI fluorescent lamps: high CRI fluorescent lamps have no product listing requirement. ¶

(10) Computers and computer monitors: each manufacturer must cause to be listed each ~~portable electric spa~~ computer and computer monitor, by model number, in MAEDbS. ¶

(9) ~~High CRI fluorescent lamps: high CRI fluorescent lamps have no prod~~ 11) Plumbing Fittings: ¶

(a) Lavatory faucets and lavatory replacement aerators: each manufacturer must cause to be listed each ~~lavatory faucet listing requirement.~~ ¶

(10) ~~Computers and computer moni~~ and lavatory replacement aerator, by model number, in MAEDbS. ¶

(b) Kitchen faucets and kitchen replacement aerators: each manufacturer must cause to be listed each ~~computer and computer moni~~ kitchen faucet and kitchen replacement aerator, by model number, in MAEDbS. ¶

(14) ~~Fc~~ Public lavatory faucets: each manufacturer must cause to be listed each faucet, by model number, in MAEDbS. ¶

(12d) Showerheads: each manufacturer must cause to be listed each showerhead, by model number, in MAEDbS.¶¶

(132) Commercial fryers: each manufacturer must cause to be listed each commercial fryer, by model number, in the ENERGY STAR® product database.¶¶

(143) Commercial dishwashers: Each manufacturer must cause to be listed each commercial dishwasher, by model number, in the ENERGY STAR® product database.¶¶

(154) Commercial steam cookers: each manufacturer must cause to be listed each commercial steam cooker, by model number, in the ENERGY STAR® product database.¶¶

(165) Residential ventilating fans: residential ventilating fans have no product listing requirement.¶¶

(176) Electric storage water heaters: electric storage water heaters have no product listing requirement.¶¶

(187) Questions concerning product listing should be directed to the Oregon Department of Energy's Appliance Efficiency Standards Program Manager, askenergy@oregon.gov, 503-378-4040, 550 Capitol Street N.E., Salem, OR 97301.

Statutory/Other Authority: ORS 469.040, ORS 469.255, ORS 469.261

Statutes/Other Implemented: ORS 469.229-469.261

AMEND: 330-092-0045

RULE SUMMARY: The proposed changes would re-order and re-number the list of products to match the new order and numbers in statute; group plumbing fittings to reflect the grouping of products in statute as amended by Oregon Laws 2021 chapter 108 (House Bill 2062); and replace the phrase "plumbing fixtures" with "plumbing fittings" for consistency with other rules in Division 92.

CHANGES TO RULE:

330-092-0045

Labeling ¶

The following labeling requirements shall apply to products as long as that label is available for the specific standard and product:¶

~~(1) Televisions: Every unit of every television must comply with the requirements of section 1607 of the California Rule.¶~~

~~(2) Battery charging systems: Every unit of every battery charger system~~Bottle-type water dispensers: Every unit of every bottle-type water dispenser, or water cooler, must have an ENERGY STAR® label.¶

~~(2) Commercial hot food holding cabinets: Every unit of every commercial hot food holding cabinet must comply with the requirements of section 1607 of the California Rule.¶~~

~~(3) Bottle-type water dispensers: ¶~~

~~(a) For products that must comply with the standard in ORS 469.233, every unit of every bottle-type water dispenser, or water cooler,~~Compact audio products: Every unit of every compact audio product must comply with the requirements of section 1607 of the California Rule.¶

~~(b4) For products that must comply with the standard in OAR 330-092-0020(3), e~~Digital versatile disc players and digital versatile disc recorders: Every unit of every bottle-type water dispensdigital versatile disc player; or water eedigital versatile disc recorder; must have an ENERGY STAR® labelcomply with the requirements of section 1607 of the California Rule.¶

~~(45) Commercial hot food holding cabinet~~Portable electric spas: Eevery unit of every commercial hot food holding cabinetportable electric spa must comply with the labeling requirements of section 1607 of the California Rulethe American National Standard for portable electric spa energy efficiency (ANSI/APSP/ICC-14 2019).¶

~~(56) Compact audio product~~Televisions: Every unit of every compact audio producttelevision must comply with the requirements of section 1607 of the California Rule.¶

~~(67) Digital versatile disc players and digital versatile disc recorders: Every unit of every digital versatile disc player or digital versatile disc recorder~~Battery charging systems: Every unit of every battery charger system must comply with the requirements of section 1607 of the California Rule.¶

~~(78) High light output double-ended quartz halogen lamps: ¶~~There is no labeling requirement.¶

~~(82) Portable electric spas: ¶~~

~~(a) For products that must comply with the standard in ORS 469.233(16), there is no product labeling requirement~~High CRI fluorescent lamps: Every unit of every high CRI fluorescent lamp must comply with the requirements of section 1607(b)-(c) of the California Rule.¶

~~(b) For products that must comply with the standard in OAR 330-092-0020(8), every unit of every portable electric spa~~

~~10) Computers and computer monitors: Every unit of every computer and computer monitor must comply with the labeling requirements of the American National Standard for portable electric spa energy efficiency (ANSI/APSP/ICC-14 2019);~~section 1607 of the California Rule.¶

~~(11) Plumbing fittings¶~~

~~(9a) High-CRI fluorescent lamps: Every unit of every high-CRI fluorescent lamp~~Lavatory faucets and lavatory replacement aerators: Every unit of every lavatory faucet and lavatory replacement aerator must comply with the requirements of section 1607(b)-(c) of the California Rule.¶

~~(10) Computers and computer moni~~b) Kitchen faucets and kitchen replacement aerators: Every unit of every computer and computer monikitchen faucet and kitchen replacement aerator must comply with the requirements

of section 1607 of the California Rule.¶

~~(14) Fc~~ Public lavatory faucets: Every unit of every public lavatory faucet must comply with the requirements of section 1607 of the California Rule.¶

~~(12d)~~ Showerheads: Every unit of every showerhead must comply with the requirements of section 1607 of the California Rule.¶

~~(132)~~ Commercial fryers: Every unit of every commercial fryer must have an ENERGY STAR[®] label.¶

~~(143)~~ Commercial dishwashers: Every unit of every commercial dishwasher must have an ENERGY STAR[®] label.¶

~~(154)~~ Commercial steam cookers: Every unit of every commercial steam cooker must have an ENERGY STAR[®] label.¶

~~(165)~~ Residential ventilating fans: ¶There is no labeling requirement.¶

~~(176)~~ Electric storage water heaters: Every unit of every electric storage water heater must have a label or marking indicating compliance with the standard in this section. Each electric storage water heater subject to these rules must have the following label or marking on the product: "DR-ready: CTA-2045-A." If the product complies with an additional communication interface standard, the label or marking may include the additional standard ("DR-ready: CTA-2045-A and [equivalent DR system protocol]"). The label or marking must be legible and located so as to be readily apparent after a typical installation.¶

~~(187)~~ The Department may waive marking, labeling or tagging requirements for products marked, labeled or tagged in compliance with federal requirements.¶

~~(198)~~ No waiver will be made for an individual manufacturer or individual product. However, the Department may grant a waiver from these labeling requirements on a case-by-case basis for a category of equipment if it determines the following:¶

(a) Oregon's labeling requirements would be different and more burdensome than requirements in other states with similar standards;¶

(b) Current labeling materially complies with the intent of Oregon's labeling requirements; or¶

(c) Labeling is unnecessary.

Statutory/Other Authority: ORS 469.040, ORS 469.255, ORS 469.261

Statutes/Other Implemented: ORS 469.229-469.261