

Administrative Procedures – Incorporation by Reference

THIS FORM IS ONLY REQUIRED WHEN INCORPORATING MATERIALS BY REFERENCE. PLEASE REMOVE PRIOR TO DELIVERY IF IT DOES NOT APPLY TO THIS RULE FILING:

Instructions:

In completing the incorporation by reference statement, an agency describes any materials that are incorporated into the rule by reference and how to obtain copies.

This form is only required when a rule incorporates materials by referencing another source without reproducing the text within the rule itself (e.g. federal or national standards, or regulations).

Incorporated materials will be maintained and available for inspection by the Agency.

1. TITLE OF RULE FILING:

Vermont Appliance Efficiency Standards

2. ADOPTING AGENCY:

Vermont Department of Public Service

3. DESCRIPTION (*DESCRIBE THE MATERIALS INCORPORATED BY REFERENCE*):

Act 139 establishes Vermont state minimum mandatory energy efficiency standards for seventeen products. Act 139 incorporates materials by reference in the "Definitions" (§ 2793) and "Efficiency and Water Conservation Standards" (§ 2795) sections of the Act. As the rule in its entirety adopts existing efficiency standards, the proposed rule is entirely comprised of referenced materials. Materials incorporated by reference include technical definitions or standards printed in the U.S. Code of Federal Regulations published by industry organizations or issued by the U.S. Environmental Protection Agency, the U.S. Department of Energy, or the California Energy Commission.

4. FORMAL CITATION OF MATERIALS INCORPORATED BY REFERENCE:

DEFINITIONS

"Dishwasher" as defined in the U.S. Code of Federal Regulations Title 10, Chapter II, Subchapter D, Part 431.12 (10 CFR 431.12)

"ENERGY STAR Program" is a federal program operated by the U.S. Environmental Protection Agency and defined in U.S. federal statute pursuant to chapter 42 section 7403(g) [42 U.S.C. § 7403(g)].

"T12 fluorescent lamp" as defined by the American National Standards Institute in standard C78.81-2003

EFFICIENCY AND WATER CONSERVATION STANDARDS

"Energy Conservation Standards for Air Compressors" refers to the pre-publication final rule released by the U.S. Department of Energy for error correction review on 12/5/2016 as part of docket EERE-2013-BT-STD-0040. Federal law requires that appliance and lighting energy efficiency standards be released for error correction review prior to publication in the Federal Register. Publication was still pending as of 2/25/2019.

"Uniform Test Method for Certain Air Compressors" is in the U.S. Code of Federal Regulation (10 C.F.R. Part 431, Subpart T, Appendix A) and came into effect on 7/3/2017.

"ENERGY STAR Program Requirements Product Specification for Commercial Dishwashers version 2.0" was developed by the U.S. Environmental Protection Agency and took effect on 2/1/2013. The ENERGY STAR program estimated that qualified commercial dishwashers had reached 67% market penetration by 2017. Version 3.0 of this ENERGY STAR specification is currently under development.

"ENERGY STAR Program Requirements Product Specification for Commercial Fryers version 2.0" was developed by the U.S. Environmental Protection Agency and took effect on 4/22/2011. The current version of this ENERGY STAR specification is version 3.0 which took effect on October 1, 2016.

"Standard Test Method for Performance of Hot-Food Holding Cabinets" is the commercial kitchen equipment industry test procedure described in ASTM F2140-11.

"ENERGY STAR Program Requirements Product Specification for Commercial Hot-Food Holding Cabinets," Version 2.0 was developed by the U.S. Environmental Protection Agency and took effect on 10/1/2011. Act 139

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only references the interior measurement methodology from this specification.

“ENERGY STAR Program Requirements Product Specification for Commercial Steam Cookers,” Version 1.2 was developed by the U.S. Environmental Protection Agency and took effect on 8/1/2003.

"20 California Code of Regulations (C.C.R.) § 1605.3(v)" is the section of the CCR that contains the California state mandatory minimum energy efficiency requirements for computers and computer monitors. It was developed by the California Energy Commission and includes several different tiers of energy efficiency requirements for desktop computers, laptop computers and computer monitors. The Vermont energy efficiency standards for computers and computer monitors mirror the California standards and come into effect on 7/1/2020 for the tiers of the California standards that have come into effect by that date. The Commissioner of the Vermont Department of Public Service also has the authority to update the Vermont computer and computer monitor standards to keep them harmonized with the California standards if and when the latter change in the future.

"20 California Code of Regulations (C.C.R.) § 1602" is the section of the CCR that defines computers and computer monitors for the energy efficiency standards in the state of California.

“Uniform Test Method for Measuring the Water Consumption of Faucets and Showerheads,” is described in the U.S. Code of Federal Regulation (10 C.F.R. Part 430, Subpart B, Appendix S), as in effect on 1/3/2017.

High CRI fluorescent lamps shall meet the minimum efficacy requirements contained in 10 C.F.R. § 430.32(n)(4) as that subdivision existed on 1/3/2017. This Vermont energy efficiency standard closes a loophole in the federal standard for general service fluorescent lamps.

The energy efficiency of high CRI fluorescent lamps shall be measured in accordance with “Uniform Test Method for Measuring Average Lamp Efficacy (LE), Color Rendering Index (CRI), and Correlated Color Temperature (CCT) of Electric Lamps,” as it appeared in 10 C.F.R. Part 430, Subpart B, Appendix R as it existed on 1/3/2017.

“Uniform Test Method for Measuring the Water Consumption of Water Closets and Urinals,” is described in the U.S. Code of Federal Regulation (10 C.F.R. Part 430, Subpart B, Appendix T) as it appeared on 1/3/2017. Please note that Act 139 does not apply to water closets (toilets) although it references the

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American Society of Mechanical Engineers (ASME) waste extraction test A112.19.2-2013/CSA B.45.1. This test does not apply to urinals.

“Uniform Test Method for Measuring the Energy Consumption of Portable Air Conditioners,” 10 C.F.R. Part 430, Subpart B, Appendix CC as in effect on January 3, 2017.

The "American National Standard for Portable Electric Spa Energy Efficiency" ANSI/APSP/ICC-14 2014, is the energy efficiency standard developed by the commercial kitchen appliance industry, and applies in Vermont as that standard existed on 7/1/2020.

“ENERGY STAR Program Requirements Product Specification for Residential Ventilating Fans,” Version 3.2 was developed by the U.S. Environmental Protection Agency and took effect on 12/23/2011. The current version of this ENERGY STAR specification is version 4.0. The Vermont energy efficiency standard modifies version 3.2 of this ENERGY STAR specification.

“WaterSense Specification for Spray Sprinkler Bodies,” Version 1.0. was developed by the U.S. Environmental Protection Agency and took effect on 9/21/2017.

“Energy Conservation Standards for Uninterruptible Power Supplies,” refers to the pre-publication final rule released by the U.S. Department of Energy for error correction review on 12/28/2016 as part of docket no. EERE-2016-BT-STD-0022. Federal law requires that appliance and lighting energy efficiency standards be released for error correction prior to publication in the Federal Register. Publication was still pending as of 2/25/2019.

These requirements for Uninterruptible Power Supplies shall be measured in accordance with the “Uniform Test Method for Measuring the Energy Consumption of Battery Chargers,” 10 C.F.R. Part 430, Subpart B, Appendix Y as in effect on 1/11/2017.

“ENERGY STAR Program Requirements Product Specification for Water Coolers,” Version 2:0 was developed by the U.S. Environmental Protection Agency and took effect on 2/1/2014. A revision of this ENERGY STAR specification is planned for 2019.

5. OBTAINING COPIES: *(EXPLAIN WHERE THE PUBLIC MAY OBTAIN THE MATERIAL(S) IN WRITTEN OR ELECTRONIC FORM, AND AT WHAT COST):*

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Some of the technical standards incorporated by reference are copyright protected work product of national standards and international standards organizations. They are not available free of charge. To obtain copies of these materials, an entity or individual must purchase the technical standard or test protocol from the specific organization. The public may access the standards incorporated by this rule at the URL addresses listed below. Material that is not available free of charge is noted, as well as the price to access these materials.

"Commercial Dishwasher" is defined in the 2018 U.S. Code of Federal Regulations and may be accessed by the public in electronic format at <https://www.ecfr.gov/cgi-bin/text-idx?rgn=div8&node=10:3.0.1.4.18.1.9.2>

Federal Statute relevant to the ENERGY STAR program The U.S. federal law providing for the U.S. Environmental Protection Agency's ENERGY STAR program may be accessed by the public in electronic form at <http://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter85&edition=prelim>

"T12 fluorescent lamp" is defined in "NEMA ANSI C78.81:2003 Double-Capped Fluorescent Lamps-Dimensional and Electrical Characteristics" which is available for purchase for \$100.00 on the ANSI webstore at <https://webstore.ansi.org/standards/nema/nemaansic78812003>

"Energy Conservation Standards for Air Compressors" pre-publication final rule was released by the U.S. Department of Energy for error correction review on 12/5/2016 as part of docket EERE-2013-BT-STD-0040. This final rule may be accessed by the public in electronic format at <https://www.regulations.gov/docket?D=EERE-2013-BT-STD-0040>

"Uniform Test Method for Certain Air Compressors" is in the U.S. Code of Federal Regulation 10 C.F.R. Part 431, Subpart T, Appendix A and may be accessed by the public in electronic format at <https://www.ecfr.gov/cgi-bin/text->

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[idx?SID=a9eee330b3bf5f01fff6bf7f51b923ff&mc=true&node=sp10.3.431.t&rgn=div6](https://www.energystar.gov/products/commercial_food_service_equipment/commercial_dishwashers/partners)

"ENERGY STAR Program Requirements Product Specification for Commercial Dishwashers version 2.0" may be accessed by the public in electronic format at https://www.energystar.gov/products/commercial_food_service_equipment/commercial_dishwashers/partners

"ENERGY STAR Program Requirements Product Specification for Commercial Fryers version 2.0" may be accessed by the public in electronic format at https://www.energystar.gov/products/commercial_food_service_equipment/commercial_fryers/partners

"Standard Test Method for Performance of Hot-Food Holding Cabinets" is described in ASTM F2140-11 which is available for purchase for \$48.00 on the ASTM webstore at <https://www.astm.org/Standards/F2140.htm>

"ENERGY STAR Program Requirements Product Specification for Commercial Hot-Food Holding Cabinets," Version 2.0 may be accessed by the public in electronic format at https://www.energystar.gov/ia/partners/product_specs/program_reqs/Commercial_HFHC_Program_Requirements_2.0.pdf

"ENERGY STAR Program Requirements Product Specification for Commercial Steam Cookers," Version 1.2 may be accessed by the public in electronic format at https://www.energystar.gov/ia/partners/product_specs/program_reqs/Commercial_Steam_Cookers_Program_Requirements.pdf

"California Code of Regulations (C.C.R.) § 1605.3(v)" may be accessed by the public in electronic format at [https://govt.westlaw.com/calregs/Document/I36782CCE24D54720BBE15552A73B8CBE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhcp=1&ignorebhwarn=IgnoreWarns](https://govt.westlaw.com/calregs/Document/I36782CCE24D54720BBE15552A73B8CBE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1&ignorebhwarn=IgnoreWarns)

"20 California Code of Regulations (C.C.R.) § 1602" may be accessed by the public in electronic format at [https://govt.westlaw.com/calregs/Document/I8FF21C40D44E11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I8FF21C40D44E11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

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"Uniform Test Method for Measuring the Water Consumption of Faucets and Showerheads," 10 C.F.R. Part 430, Subpart B, Appendix S may be accessed by the public in electronic format at https://www.ecfr.gov/cgi-bin/text-idx?SID=081a19f642e9ac6dd7c945a5146e62e0&mc=true&node=pt10.3.430&rgn=div5#ap10.3.430_127.s

Federal energy efficiency standards for general service fluorescent lamps are described in 10 C.F.R. § 430.32(n)(4) and may be accessed by the public in electronic format at <https://www.ecfr.gov/cgi-bin/text-idx?SID=081a19f642e9ac6dd7c945a5146e62e0&mc=true&node=pt10.3.430&rgn=div5#sp10.3.430.c>

"Uniform Test Method for Measuring Average Lamp Efficacy (LE), Color Rendering Index (CRI), and Correlated Color Temperature (CCT) of Electric Lamps," appears in 10 C.F.R. Part 430, Subpart B, Appendix R and may be accessed by the public in electronic format at https://www.ecfr.gov/cgi-bin/text-idx?SID=1ea129b5147bfdb6e54c19b6061cae19&mc=true&node=pt10.3.430&rgn=div5#ap10.3.430_127.r

"Uniform Test Method for Measuring the Water Consumption of Water Closets and Urinals," 10 C.F.R. Part 430, Subpart B, Appendix T may be accessed by the public in electronic format at https://www.ecfr.gov/cgi-bin/text-idx?SID=1ea129b5147bfdb6e54c19b6061cae19&mc=true&node=pt10.3.430&rgn=div5#ap10.3.430_127.t

"Uniform Test Method for Measuring the Energy Consumption of Portable Air Conditioners" 10 C.F.R. Part 430, Subpart B, Appendix CC may be accessed by the public in electronic format at https://www.ecfr.gov/cgi-bin/text-idx?SID=1ea129b5147bfdb6e54c19b6061cae19&mc=true&node=pt10.3.430&rgn=div5#ap10.3.430_127.cc

The "American National Standard for Portable Electric Spa Energy Efficiency" ANSI/APSP/ICC-14 2014 is available for purchase for \$165.00 on the ANSI webstore at <https://webstore.ansi.org/Standards/APSP/ANSIAPSPICC142014>

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"ENERGY STAR Program Requirements Product Specification for Residential Ventilating Fans," Version 3.2 may be accessed by the public in electronic format at https://www.energystar.gov/ia/partners/prod_development/revisions/downloads/vent_fans/Ventilating_Fans_V3.2_Specification.pdf?e6c5-34ae

"WaterSense Specification for Spray Sprinkler Bodies," Version 1.0 may be accessed by the public in electronic format at <https://www.epa.gov/sites/production/files/2017-09/documents/ws-products-spec-ssb.pdf>

"Energy Conservation Standards for Uninterruptible Power Supplies," refers to the pre-publication final rule released by the U.S. Department of Energy for error correction review on 12/28/2016 as part of docket no. EERE-2016-BT-STD-0022. This final rule may be accessed by the public in electronic format at <https://www.energy.gov/eere/buildings/downloads/issuance-2016-12-28-energy-conservation-program-energy-conservation>

"Uniform Test Method for Measuring the Energy Consumption of Battery Chargers," 10 C.F.R. Part 430, Subpart B, Appendix Y may be accessed by the public in electronic format at https://gov.ecfr.io/cgi-bin/text-idx?SID=08c5c53a946b1f0e9f84bc91c27fa6f8&mc=true&node=p10.3.430&rgn=div5#ap10.3.430_127.y

"ENERGY STAR Program Requirements Product Specification for Water Coolers," Version 2.0 was developed by the U.S. Environmental Protection Agency and took effect on 2/1/2014 and may be accessed by the public in electronic format at https://www.energystar.gov/ia/partners/product_specs/program_reqs/ES_WC_V2_Spec.pdf

6. MODIFICATIONS (*PLEASE EXPLAIN ANY MODIFICATION TO THE INCORPORATED MATERIALS E.G., WHETHER ONLY PART OF THE MATERIAL IS ADOPTED AND IF SO, WHICH PART(S) ARE MODIFIED*):

"ENERGY STAR Program Requirements Product Specification for Residential Ventilating Fans," Version 3.2 applies to ceiling, wall-mounted, or remotely mounted in-line

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fan and kitchen range hood fans. The Vermont standard does not include range hood fans.

Run Spell Check