

HB5072



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5072

Introduced 2/8/2024, by Rep. Kam Buckner

SYNOPSIS AS INTRODUCED:

New Act

Creates the Illinois Appliance Standards Act. Directs the Illinois Environmental Protection Agency to adopt minimum efficiency standards for covered products. Provides for testing, certification, and labeling of covered products. Contains provisions concerning enforcement of the Act's requirements. Provides for administrative rulemaking by the Agency. Makes findings. Defines terms.

LRB103 37532 JAG 67655 b

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Illinois Appliance Standards Act.

6 Section 5. Findings. The General Assembly finds that:

7 (1) Efficiency standards for certain products sold or
8 installed in the State assure consumers and businesses
9 that the products meet minimum efficiency performance
10 levels, thus reducing energy and water waste and saving
11 consumers and businesses money on utility bills.

12 (2) Such efficiency standards save energy and reduce
13 climate-changing emissions and other environmental impacts
14 associated with the production, distribution, and use of
15 electricity, natural gas, and related fuels.

16 (3) Such efficiency standards save water, mitigating
17 the effects of short-term and long-term droughts and
18 helping to conserve fresh water supplies.

19 (4) Utility Bill savings resulting from more efficient
20 products benefit all consumers but are especially
21 important to low-income families, who spend a
22 disproportionate share of their income on utilities.
23 Efficiency standards also help the State and local

1 economies because bill savings can be spent on local goods
2 and services.

3 (5) Energy and water savings help reduce or delay the
4 need for expensive investments in new power plants,
5 transmission lines, and distribution system upgrades, new
6 and expanded gas pipelines, and water and sewer
7 infrastructure improvements.

8 Section 10. Definitions. In this Act:

9 "Agency" means the Environmental Protection Agency
10 established by the Environmental Protection Act.

11 "Automatic irrigation controller" means a device used to
12 remotely control valves that operate a landscape irrigation
13 system. Such devices include, but are not limited to,
14 weather-based irrigation controllers, soil moisture-based
15 irrigation controllers, and timer-based irrigation
16 controllers, whether configured as a standalone controller, a
17 base controller, an add-on device, or a plug-in device.

18 "Automatic irrigation controller" does not include irrigation
19 control devices designed for attachment to a hose bib or a hose
20 end or those designed and marketed for agricultural purposes.

21 "Battery backup" or "uninterruptible power supply charger"
22 or "UPS" means a small battery charger system that is voltage
23 and frequency dependent (VFD) and designed to provide power to
24 an end-use product in the event of a power outage, and includes
25 a UPS as defined in IEC 62040-3 (2nd edition). The output of

1 the VFD UPS is dependent on changes in AC input voltage and
2 frequency and is not intended to provide additional corrective
3 functions, such as those relating to the use of tapped
4 transformers.

5 "Cold-only units" means units that dispense cold water
6 only.

7 "Compensation" means money or any other valuable thing,
8 regardless of form, received or to be received by a person for
9 services rendered.

10 "Cook and cold units" means units that dispense both cold
11 and room-temperature water.

12 "Covered product" means:

- 13 (1) automatic irrigation controllers;
- 14 (2) computers and computer monitors;
- 15 (3) electric vehicle supply equipment;
- 16 (4) faucets;
- 17 (5) gas fireplaces;
- 18 (6) portable electric spas;
- 19 (7) residential ventilating fans;
- 20 (8) showerheads;
- 21 (9) spray sprinkler bodies;
- 22 (10) state-regulated battery charger systems;
- 23 (11) urinals;
- 24 (12) water closets;
- 25 (13) water coolers; or
- 26 (14) any other products as may be designated by the

1 Director in accordance with Section 15 or by operation of
2 law under Section 99; however,

3 "Director" means the Director of the Environmental
4 Protection Agency.

5 "Decorative gas fireplace" means a vented fireplace,
6 including appliances that are freestanding, recessed, zero
7 clearance, or a gas fireplace insert, that is fueled by
8 natural gas or propane, is marked for decorative use only, and
9 is not equipped with a thermostat or intended for use as a
10 heater.

11 "Electric vehicle supply equipment" means the conductors,
12 including the ungrounded, grounded, and equipment grounding
13 conductors, the electric vehicle connectors, attachment plugs,
14 and all other fittings, devices, power outlets, or apparatuses
15 installed specifically for the purpose of delivering energy
16 from the premises wiring to the electric vehicle. Excludes
17 conductors, connectors, and fittings that are part of a
18 vehicle.

19 "Faucet" means a private lavatory faucet, residential
20 kitchen faucet, metering faucet, public lavatory faucet, or
21 replacement aerator for a private lavatory, public lavatory or
22 residential kitchen faucet. "Gas fireplace" means a decorative
23 gas fireplace or a heating gas fireplace.

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

1 "Heating gas fireplace" means a vented fireplace,
2 including appliances that are freestanding, recessed, zero
3 clearance, or a gas fireplace insert, that is fueled by
4 natural gas or propane and is not a decorative fireplace.

5 "Hot and cold units" dispense both hot and cold water.
6 Some units also offer room-temperature water. "Large battery
7 charger system" means a BCS (other than a battery charger
8 system for golf carts) with a rated input power of more than 2
9 kW.

10 "Metering faucet" means a self-closing faucet that
11 dispenses a specific volume of water for each actuation cycle.
12 The volume or cycle duration can be fixed or adjustable.

13 "On-demand hot and cold unit" means a unit that heats and
14 cools water as it is requested.

15 "Public lavatory faucet" means a fitting designed to be
16 installed in nonresidential bathrooms that are exposed to
17 walk-in traffic.

18 "Person" means:

19 (1) any individual; or

20 (2) any corporation, company, association, firm,
21 partnership, society, trust, joint venture, or joint stock
22 company.

23 "Plumbing fixture" means an exchangeable device, which
24 connects to a plumbing system to deliver and drain away water
25 and waste.

26 "Portable electric spa" means a factory-built electric spa

1 or hot tub which may or may not include any combination of
2 integral controls, water heating or water circulating
3 equipment.

4 "Pressure regulator" means a device that maintains
5 constant operating pressure immediately downstream from the
6 device, given higher pressure upstream.

7 "Replacement aerator" means an aerator sold as a
8 replacement, separate from the faucet to which it is intended
9 to be attached.

10 "Residential ventilating fan" means a ceiling or
11 wall-mounted fan, or remotely mounted in-line fan, designed to
12 be used in a bathroom or utility room for the purpose of moving
13 air from inside the building to the outdoors.

14 "Showerhead" means a component or set of components
15 distributed in commerce for attachment to a single supply
16 fitting, for spraying water onto a bather, typically from an
17 overhead position, excluding safety shower showerheads.

18 "Spray sprinkler body" means the exterior case or shell of
19 a sprinkler incorporating a means of connection to the piping
20 system designed to convey water to a nozzle or orifice.

21 "State-regulated battery charger system" or "BCS" means a
22 battery charger coupled with its batteries or battery chargers
23 coupled with their batteries, which together are referred to
24 as state-regulated battery charger systems. This term covers
25 all rechargeable batteries or devices incorporating a
26 rechargeable battery and the chargers used with them. Battery

1 charger systems include, but are not limited to:

2 (1) electronic devices with a battery that are
3 normally charged from AC line voltage or DC input voltage
4 through an internal or external power supply and a
5 dedicated battery charger;

6 (2) the battery and battery charger components of
7 devices that are designed to run on battery power during
8 part or all of their operations;

9 (3) dedicated battery systems primarily designed for
10 electrical or emergency backup; and

11 (4) devices whose primary function is to charge
12 batteries, along with the batteries they are designed to
13 charge. These units include chargers for power tool
14 batteries and chargers for automotive, AA, AAA, C, D, or 9
15 V rechargeable batteries, as well as chargers for
16 batteries used in larger industrial motive equipment and à
17 la carte chargers.

18 The charging circuitry of battery charger systems may or
19 may not be located within the housing of the end-use device
20 itself. In many cases, the battery may be charged with a
21 dedicated external charger and power supply combination that
22 is separate from the device that runs on power from the
23 battery. State-regulated battery charger systems do not
24 include federally regulated battery chargers that are covered
25 under standards in 10 CFR 430.32(z).

26 "Storage-type hot and cold units" means units that store

1 thermally conditioned water in a tank and make that water
2 available instantaneously. Point-of-use coolers, dry storage
3 compartment coolers, and bottled water coolers are included in
4 this category.

5 "Trough-type urinal" means a urinal designed for
6 simultaneous use by 2 or more persons.

7 "Urinal" means a plumbing fixture that receives only
8 liquid body waste and conveys the waste through a trap into a
9 drainage system.

10 "Water closet" means a plumbing fixture having a
11 water-containing receptor that receives liquid and solid body
12 waste through an exposed integral trap into a drainage system.

13 "Water cooler" means a freestanding device that consumes
14 energy to cool and heat potable water.

15 Section 15. Minimum efficiency standards; administrative
16 rulemaking.

17 (a) Not later than one year after the effective date of
18 this Act, the Agency shall adopt rules establishing minimum
19 efficiency standards for all covered products, except as
20 provided in subsection (b).

21 (b) The provisions of this Act do not apply to:

22 (1) new products manufactured in the State and sold
23 outside the State;

24 (2) new products manufactured outside the State and
25 sold at wholesale inside the State for final retail sale

1 and installation outside the State;

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

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

6 (c) The rules adopted by the Agency under subsection (a)
7 shall provide for the following minimum efficiency standards:

8 (1) Automatic irrigation controllers shall, at a
9 minimum, meet the water efficiency and performance
10 criteria included within the U.S. Environmental Protection
11 Agency's Specification for Weather-Based Irrigation
12 Controllers, Version 1.1, or its Specification for Soil
13 Moisture-Based Irrigation Controllers, Version 1.0.

14 (2) Computers and computer monitors shall, at a
15 minimum, meet requirements that are substantially
16 equivalent to the standards authorized and adopted for
17 computers and computer monitors in California under
18 Sections 25213, 25218(e), 25216.5(d), 25401.9, 25402(a)
19 through 25402(c), and 25960, of the California Public
20 Resources Code, and compliance with those requirements
21 shall, at a minimum, be as measured in accordance with
22 test methods that are substantially equivalent to the
23 rules adopted pursuant to those authorities; and, in
24 addition:

25 (A) The rules adopted by the Agency shall define
26 "computer" and "computer monitor" to have the same

1 meaning as under the California authorities cited in
2 this paragraph (2); and

3 (B) The Agency shall have authority to amend the
4 rules so that the definitions of "computer" and
5 "computer monitor" and the minimum efficiency
6 standards for computers and computer monitors conform
7 to subsequently adopted modifications in rules
8 authorized and adopted under relevant sections of the
9 California Resources Code, or as authorized under this
10 Act with the minimum standards stated in this
11 paragraph (2).

12 (3) Electric vehicle supply equipment included in the
13 scope of the ENERGY STAR Program Requirements Product
14 Specification for Electric Vehicle Supply Equipment,
15 Version 1.0, shall, at a minimum, meet the certification
16 criteria of that specification.

17 (4) Faucets, except for metering faucets, shall, at a
18 minimum, meet the standards shown in this paragraph when
19 tested in accordance with Appendix S to Subpart B of Part
20 430 of Title 10 of the Code of Federal Regulations,
21 "Uniform Test Method for Measuring the Water Consumption
22 of Faucets and Showerheads", and compliance with those
23 requirements shall be as follows:

24 (A) Private lavatory faucets and replacement
25 aerators shall not exceed a maximum flow rate of 1.5
26 gallons per minute at 60 pounds per square inch;

1 (B) Residential kitchen faucets and replacement
2 aerators shall not exceed a maximum flow rate of 1.8
3 gallons per minute at 60 pounds per square inch, with
4 optional temporary flow of 2.2 gallons per minute,
5 provided they default to a maximum flow rate of 1.8
6 gallons per minute at 60 pounds per square inch after
7 each use; and

8 (C) Public lavatory faucets and replacement
9 aerators shall not exceed a maximum flow rate of 0.5
10 gallons per minute at 60 pounds per square inch.

11 (5) Gas fireplaces shall, at a minimum, comply with
12 the following requirements:

13 (A) Gas fireplaces shall be capable of
14 automatically extinguishing any pilot flame when the
15 main gas burner flame is extinguished;

16 (B) Gas fireplaces must prevent any ignition
17 source for the main gas burner flame from operating
18 continuously for more than 7 days from last use of the
19 main burner;

20 (C) Decorative gas fireplaces must have a direct
21 vent configuration, unless marked for replacement use
22 only; and,

23 (D) Heating gas fireplaces shall have a fireplace
24 efficiency greater than or equal to 50% when tested in
25 accordance with CSA P.4.1-15, "Testing Method for
26 Measuring Fireplace Efficiency".

1 (6) Large battery charger systems and battery backup
2 or UPS systems shall, at a minimum, meet requirements that
3 are substantially equivalent to the standards authorized
4 and adopted for large battery charger systems and battery
5 backup or UPS systems in California under Sections 25213,
6 25216.5(d), 25218(e), 25401.9, 25402(a) through 25402(c),
7 and 25960, of the California Public Resources Code, and
8 compliance with those requirements shall, at a minimum, be
9 measured in accordance with test methods that are
10 substantially equivalent to those prescribed under the
11 rules adopted pursuant to those authorities; and, in
12 addition:

13 (A) The rules adopted by the Agency shall define
14 "large battery charger system" and "battery backup or
15 uninterruptible power supply charger (UPS)" to have
16 the same meaning as under the California authorities
17 cited in this paragraph (6); and

18 (B) The referenced rules in this paragraph (6)
19 shall be those adopted on or before the effective date
20 of this Act; however, the Director shall have
21 authority to amend the rules so that the definitions
22 of "state-regulated battery charger system", "large
23 battery charger system", and "battery backup or UPS"
24 and the minimum efficiency standards for large battery
25 charger system and battery backup or UPS conform to
26 subsequently adopted modifications in rules authorized

1 and adopted under relevant sections of the California
2 Resources Code, or as authorized under this Act with
3 the minimum standards stated in this paragraph (6).

4 (7) Portable electric spas shall, at a minimum, meet
5 the requirements of the "American National Standard for
6 Portable Electric Spa Energy Efficiency" (ANSI/APSP/ICC
7 14-2019).

8 (8) In-line residential ventilating fans shall, at a
9 minimum, have a fan motor efficacy of no less than 2.8
10 cubic feet per minute per watt. All other residential
11 ventilating fans shall have a fan motor efficacy of no
12 less than 1.4 cubic feet per minute per watt for airflows
13 less than 90 cubic feet per minute and no less than 2.8
14 cubic feet per minute per watt for other airflows when
15 tested in accordance with Home Ventilation Institute
16 Publication 916, "HVI Airflow Test Procedure".

17 (9) Showerheads shall, at a minimum, not exceed a
18 maximum flow rate of 2.0 gallons per minute at 80 pounds
19 per square inch when tested in accordance with Appendix S
20 to Subpart B of Part 430 of Title 10 of the Code of Federal
21 Regulations, "Uniform Test Method for Measuring the Water
22 Consumption of Faucets and Showerheads".

23 (10) Spray sprinkler bodies that are not specifically
24 excluded from the scope of the U.S. Environmental
25 Protection Agency's Specification for Spray Sprinkler
26 Bodies, Version 1.0, shall, at a minimum, include an

1 integral pressure regulator and shall, at a minimum, meet
2 the water efficiency and performance criteria and other
3 requirements of that specification.

4 (11) Urinals and water closets, other than those
5 designed and marketed exclusively for use at prisons or
6 mental health facilities, shall, at a minimum, meet the
7 standards shown in subparagraphs (1) to (4) of Appendix T
8 to Subpart B of Part 430 of Title 10 of the Code of Federal
9 Regulations, "Uniform Test Method for Measuring the Water
10 Consumption of Water Closets and Urinals", and water
11 closets shall, at a minimum, pass the waste extraction
12 test for water closets (Section 7.9) of the American
13 Society of Mechanical Engineers (ASME) A112.19.2/CSA
14 B45.1-2018. The minimum standards for urinals and water
15 closets are as follows:

16 (A) Wall-mounted urinals, except for trough-type
17 urinals, shall, at a minimum, have a maximum flush
18 volume of 0.5 gallons per flush;

19 (B) Floor-mounted urinals, except for trough-type
20 urinals, shall, at a minimum, have a maximum flush
21 volume of 0.5 gallons per flush; and

22 (C) Water closets shall, at a minimum, have a
23 maximum flush volume of 1.28 gallons per flush.

24 (12) Water coolers included in the scope of the ENERGY
25 STAR Program Requirements Product Specification for Water
26 Coolers, Version 2.0, shall, at a minimum, have "On Mode

1 with No Water Draw" energy consumption less than or equal
2 to the following values as measured in accordance with the
3 test requirements of that program:

4 (A) 0.16 kilowatt-hours per day for cold-only
5 units and cook and cold units;

6 (B) 0.87 kilowatt-hours per day for storage-type
7 hot and cold units; and

8 (C) 0.18 kilowatt-hours per day for on-demand hot
9 and cold units.

10 (d) The Agency may adopt rules to establish increased
11 efficiency standards for the covered products, including any
12 other products as may be designated by the Director. In
13 considering such new or amended standards, the Director shall
14 set efficiency standards upon a determination that increased
15 efficiency standards would serve to promote energy or water
16 conservation in the State and would be cost effective for
17 consumers who purchase and use such new products, provided
18 that no new or increased efficiency standards shall become
19 effective within one year following the adoption of any
20 amended rules establishing such increased efficiency
21 standards.

22 Section 20. Implementation.

23 (a) Beginning January 1, 2026, no new covered product may
24 be sold or offered for sale, lease, or rent in the State unless
25 the new product meets the requirements of the standards

1 adopted by the Agency under Section 15.

2 (b) One year after the date upon which the sale or offering
3 for sale of covered products becomes subject to subsection (a)
4 of this Section, no such products may be installed for
5 compensation in the State unless the efficiency of the new
6 product meets or exceeds the efficiency standards provided
7 under the rules adopted under Section 15.

8 Section 25. Testing, certification, labeling, and
9 enforcement.

10 (a) The manufacturers of covered products shall test
11 samples of their products in accordance with the test
12 procedures adopted under this Act. The Agency may adopt rules
13 regarding updated test methods when new versions of test
14 procedures become available.

15 (b) Manufacturers of covered products shall certify to the
16 Agency, or to an approved third party as determined by the
17 Director, that such products are in compliance with the
18 provisions of this Act. Such certifications shall be based on
19 test results. The Agency shall adopt rules governing the
20 certification of such products and shall coordinate with the
21 certification programs of other states and federal agencies
22 with similar standards.

23 (c) Manufacturers of new covered products shall identify
24 each product offered for sale or installation in the State as
25 in compliance with the provisions of this Act by means of a

1 mark, label, or tag on the product and packaging at the time of
2 sale or installation. The Agency shall adopt rules governing
3 the identification of such products and packaging, which shall
4 be coordinated to the greatest practical extent with the
5 labeling programs of other states and federal agencies with
6 equivalent efficiency standards. The Agency shall allow the
7 use of existing marks, labels, or tags, which connote
8 compliance with the efficiency requirements of this Act.

9 (d) The Agency may test covered products. If products so
10 tested are found not to be in compliance with the minimum
11 efficiency standards adopted under Section 15, the Agency
12 shall:

13 (1) charge the manufacturer of such product for the
14 cost of product purchase and testing, and

15 (2) make information available to the Attorney General
16 and the public on products found not to be in compliance
17 with the standards.

18 (e) The Agency may cause periodic inspections to be made
19 of distributors or retailers of new covered products in order
20 to determine compliance with the provisions of this Act. The
21 Agency shall investigate complaints received concerning
22 violations of this Act.

23 (f) If the Agency finds that any person has committed a
24 violation of any provision of this Act, the Agency shall issue
25 a warning to such person. Any person who commits a violation
26 after the issuance of such warning shall, following notice and

1 an opportunity to be heard, be subject to a civil penalty,
2 issued by the Agency, of up to one hundred dollars for each
3 offense. Any further violations committed by such person after
4 this second violation shall be subject to a civil penalty of
5 not more than \$500 for each offense. Each product offered,
6 sold, or distributed in violation of Section 25 of this Act
7 shall constitute a separate violation, each violation shall
8 constitute a separate offense, and each day that such
9 violation occurs shall constitute a separate offense.
10 Penalties assessed under this subsection are in addition to
11 costs assessed under subsection (d) of this Section.

12 (g) If the Agency finds repeated violations have occurred,
13 it shall refer the matter to the Attorney General. The
14 Attorney General may institute proceedings to seek an
15 injunction in circuit court to enforce the provisions of this
16 Act.

17 (h) The Agency may adopt any rules necessary to ensure the
18 proper implementation, administration, and enforcement of the
19 provisions of this Act.

20 Section 97. Severability. The provisions of this Act are
21 severable under Section 1.31 of the Statute on Statutes.