

SB3181



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3181

Introduced 2/6/2024, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

New Act

Creates the 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 39253 BDA 69405 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 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) faucets;
- 16 (4) gas fireplaces;
- 17 (5) portable electric spas;
- 18 (6) residential ventilating fans;
- 19 (7) showerheads;
- 20 (8) spray sprinkler bodies;
- 21 (9) state-regulated battery charger systems;
- 22 (10) urinals;
- 23 (11) water closets;
- 24 (12) water coolers; or
- 25 (13) any other products as may be designated by the
26 Director in accordance with Section 15.

1 "Director" means the Director of the Environmental
2 Protection Agency.

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

9 "Faucet" means a private lavatory faucet, residential
10 kitchen faucet, metering faucet, public lavatory faucet, or
11 replacement aerator for a private lavatory, public lavatory or
12 residential kitchen faucet.

13 "Gas fireplace" means a decorative gas fireplace or a
14 heating gas fireplace.

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

18 "Heating gas fireplace" means a vented fireplace,
19 including appliances that are freestanding, recessed, zero
20 clearance, or a gas fireplace insert, that is fueled by
21 natural gas or propane and is not a decorative fireplace.

22 "Hot-and-cold units" dispense both hot and cold water.
23 Some units also offer room-temperature water.

24 "Large battery charger system" means a State-regulated
25 battery charger system (other than a battery charger system
26 for golf carts) with a rated input power of more than 2

1 kilowatts.

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

5 "On-demand, hot-and-cold unit" means a unit that heats and
6 cools water as it is requested.

7 "Public lavatory faucet" means a fitting designed to be
8 installed in nonresidential bathrooms that are exposed to
9 walk-in traffic.

10 "Person" means:

11 (1) any individual; or

12 (2) any corporation, company, association, firm,
13 partnership, society, trust, joint venture, or joint stock
14 company.

15 "Plumbing fixture" means an exchangeable device, which
16 connects to a plumbing system to deliver and drain away water
17 and waste.

18 "Portable electric spa" means a factory-built electric spa
19 or hot tub which may or may not include any combination of
20 integral controls, water heating or water circulating
21 equipment.

22 "Pressure regulator" means a device that maintains
23 constant operating pressure immediately downstream from the
24 device, given higher pressure upstream.

25 "Replacement aerator" means an aerator sold as a
26 replacement, separate from the faucet to which it is intended

1 to be attached.

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

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

10 "Spray sprinkler body" means the exterior case or shell of
11 a sprinkler incorporating a means of connection to the piping
12 system designed to convey water to a nozzle or orifice.

13 "State-regulated battery charger system" means a battery
14 charger coupled with its batteries or battery chargers coupled
15 with their batteries, which together are referred to as
16 State-regulated battery charger systems. This term covers all
17 rechargeable batteries or devices incorporating a rechargeable
18 battery and the chargers used with them. Battery charger
19 systems include, but are not limited to:

20 (1) electronic devices with a battery that are
21 normally charged from AC line voltage or DC input voltage
22 through an internal or external power supply and a
23 dedicated battery charger;

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

1 (3) dedicated battery systems primarily designed for
2 electrical or emergency backup; and

3 (4) devices whose primary function is to charge
4 batteries, along with the batteries they are designed to
5 charge. These units include chargers for power tool
6 batteries and chargers for automotive, AA, AAA, C, D, or 9
7 V rechargeable batteries, as well as chargers for
8 batteries used in larger industrial motive equipment and à
9 la carte chargers.

10 The charging circuitry of battery charger systems may or
11 may not be located within the housing of the end-use device
12 itself. In many cases, the battery may be charged with a
13 dedicated external charger and power supply combination that
14 is separate from the device that runs on power from the
15 battery. State-regulated battery charger systems do not
16 include federally regulated battery chargers that are covered
17 under standards in 10 CFR 430.32(z).

18 "Storage-type, hot-and-cold units" means units that store
19 thermally conditioned water in a tank and make that water
20 available instantaneously. Point-of-use coolers, dry storage
21 compartment coolers, and bottled water coolers are included in
22 this category.

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

25 "Urinal" means a plumbing fixture that receives only
26 liquid body waste and conveys the waste through a trap into a

1 drainage system.

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

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

7 Section 15. Minimum efficiency standards; administrative
8 rulemaking.

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

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

14 (1) new products manufactured in the State and sold
15 outside the State;

16 (2) new products manufactured outside the State and
17 sold at wholesale inside the State for final retail sale
18 and installation outside the State;

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

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

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

25 (1) Automatic irrigation controllers shall, at a

1 minimum, meet the water efficiency and performance
2 criteria included within the U.S. Environmental Protection
3 Agency's Specification for Weather-Based Irrigation
4 Controllers, Version 1.1, or its Specification for Soil
5 Moisture-Based Irrigation Controllers, Version 1.0.

6 (2) Computers and computer monitors shall, at a
7 minimum, meet requirements that are substantially
8 equivalent to the standards authorized and adopted for
9 computers and computer monitors in California under
10 Sections 25213, 25218(e), 25216.5(d), 25401.9, 25402(a)
11 through 25402(c), and 25960, of the California Public
12 Resources Code, and compliance with those requirements
13 shall, at a minimum, be as measured in accordance with
14 test methods that are substantially equivalent to the
15 rules adopted pursuant to those authorities; and, in
16 addition:

17 (A) The rules adopted by the Agency shall define
18 "computer" and "computer monitor" to have the same
19 meaning as under the California authorities cited in
20 this paragraph (2); and

21 (B) The Agency shall have authority to amend the
22 rules so that the definitions of "computer" and
23 "computer monitor" and the minimum efficiency
24 standards for computers and computer monitors conform
25 to subsequently adopted modifications in rules
26 authorized and adopted under relevant sections of the

1 California Resources Code, or as authorized under this
2 Act with the minimum standards stated in this
3 paragraph (2).

4 (3) (Blank).

5 (4) Faucets, except for metering faucets, shall, at a
6 minimum, meet the standards shown in this paragraph when
7 tested in accordance with Appendix S to Subpart B of Part
8 430 of Title 10 of the Code of Federal Regulations,
9 "Uniform Test Method for Measuring the Water Consumption
10 of Faucets and Showerheads", and compliance with those
11 requirements shall be as follows:

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

15 (B) Residential kitchen faucets and replacement
16 aerators shall not exceed a maximum flow rate of 1.8
17 gallons per minute at 60 pounds per square inch, with
18 optional temporary flow of 2.2 gallons per minute,
19 provided they default to a maximum flow rate of 1.8
20 gallons per minute at 60 pounds per square inch after
21 each use; and

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

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

1 (A) Gas fireplaces shall be capable of
2 automatically extinguishing any pilot flame when the
3 main gas burner flame is extinguished;

4 (B) Gas fireplaces must prevent any ignition
5 source for the main gas burner flame from operating
6 continuously for more than 7 days from last use of the
7 main burner;

8 (C) Decorative gas fireplaces must have a direct
9 vent configuration or power vent configuration, unless
10 marked for replacement use only; and,

11 (D) Heating gas fireplaces shall have a fireplace
12 efficiency greater than or equal to 50% when tested in
13 accordance with CSA P.4.1-15, "Testing Method for
14 Measuring Fireplace Efficiency", as amended or
15 revised.

16 (6) Large battery charger systems and battery backup
17 or UPS systems shall, at a minimum, meet requirements that
18 are substantially equivalent to the standards authorized
19 and adopted for large battery charger systems and battery
20 backup or UPS systems in California under Sections 25213,
21 25216.5(d), 25218(e), 25401.9, 25402(a) through 25402(c),
22 and 25960, of the California Public Resources Code, and
23 compliance with those requirements shall, at a minimum, be
24 measured in accordance with test methods that are
25 substantially equivalent to those prescribed under the
26 rules adopted pursuant to those authorities; and, in

1 addition:

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

7 (B) The referenced rules in this paragraph (6)
8 shall be those adopted on or before the effective date
9 of this Act; however, the Director shall have
10 authority to amend the rules so that the definitions
11 of "state-regulated battery charger system", "large
12 battery charger system", and "battery backup or UPS"
13 and the minimum efficiency standards for large battery
14 charger system and battery backup or UPS conform to
15 subsequently adopted modifications in rules authorized
16 and adopted under relevant sections of the California
17 Resources Code, or as authorized under this Act with
18 the minimum standards stated in this paragraph (6).

19 (7) Portable electric spas shall, at a minimum, meet
20 the requirements of the "American National Standard for
21 Portable Electric Spa Energy Efficiency" (ANSI/APSP/ICC
22 14-2019).

23 (8) In-line residential ventilating fans shall, at a
24 minimum, have a fan motor efficacy of no less than 2.8
25 cubic feet per minute per watt. All other residential
26 ventilating fans shall have a fan motor efficacy of no

1 less than 1.4 cubic feet per minute per watt for airflows
2 less than 90 cubic feet per minute and no less than 2.8
3 cubic feet per minute per watt for other airflows when
4 tested in accordance with Home Ventilation Institute
5 Publication 916, "HVI Airflow Test Procedure".

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

12 (10) Spray sprinkler bodies that are not specifically
13 excluded from the scope of the U.S. Environmental
14 Protection Agency's Specification for Spray Sprinkler
15 Bodies, Version 1.0, shall, at a minimum, include an
16 integral pressure regulator and shall, at a minimum, meet
17 the water efficiency and performance criteria and other
18 requirements of that specification.

19 (11) Urinals and water closets, other than those
20 designed and marketed exclusively for use at prisons or
21 mental health facilities, shall, at a minimum, meet the
22 standards shown in subparagraphs (A) to (C) when tested in
23 accordance with Appendix T to Subpart B of Part 430 of
24 Title 10 of the Code of Federal Regulations, "Uniform Test
25 Method for Measuring the Water Consumption of Water
26 Closets and Urinals", and water closets shall, at a

1 minimum, pass the waste extraction test for water closets
2 (Section 7.9) of the American Society of Mechanical
3 Engineers (ASME) A112.19.2/CSA B45.1-2018. The minimum
4 standards for urinals and water closets are as follows:

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

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

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

13 (12) Water coolers included in the scope of the ENERGY
14 STAR Program Requirements Product Specification for Water
15 Coolers, Version 2.0, shall, at a minimum, have "On Mode
16 with No Water Draw" energy consumption less than or equal
17 to the following values as measured in accordance with the
18 test requirements of that program:

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

21 (B) 0.87 kilowatt-hours per day for storage-type,
22 hot-and-cold units; and

23 (C) 0.18 kilowatt-hours per day for on-demand,
24 hot-and-cold units.

25 (d) The Agency may adopt rules to establish more stringent
26 efficiency standards for the covered products, including any

1 other products as may be designated by the Director. In
2 considering such new or amended standards, the Director shall
3 set efficiency standards upon a determination that more
4 stringent efficiency standards would serve to promote energy
5 or water conservation in the State and would be cost effective
6 for consumers who purchase and use such new products, provided
7 that no new or more stringent efficiency standards shall
8 become effective within one year following the adoption of any
9 amended rules establishing such more stringent efficiency
10 standards.

11 Section 20. Implementation.

12 (a) Beginning January 1, 2026, no new covered product may
13 be sold or offered for sale, lease, or rent in the State unless
14 the new product meets the requirements of the standards
15 adopted by the Agency under Section 15.

16 (b) One year after the date upon which the sale or offering
17 for sale of covered products becomes subject to subsection (a)
18 of this Section, no such products may be installed for
19 compensation in the State unless the efficiency of the new
20 product meets or exceeds the efficiency standards provided
21 under the rules adopted under Section 15.

22 Section 25. Testing, certification, labeling, and
23 enforcement.

24 (a) The manufacturers of covered products shall test

1 samples of their products in accordance with the test
2 procedures adopted under this Act. The Agency may adopt rules
3 regarding updated test methods when new versions of test
4 procedures become available.

5 (b) Manufacturers of covered products shall certify to the
6 Agency, or to an approved third party as determined by the
7 Director, that such products are in compliance with the
8 provisions of this Act. Such certifications shall be based on
9 test results. The Agency shall adopt rules governing the
10 certification of such products and shall coordinate with the
11 certification programs of other states and federal agencies
12 with similar standards.

13 (c) Manufacturers of new covered products shall identify
14 each product offered for sale or installation in the State as
15 in compliance with the provisions of this Act by means of a
16 mark, label, or tag on the product and packaging at the time of
17 sale or installation. The Agency shall adopt rules governing
18 the identification of such products and packaging, which shall
19 be coordinated to the greatest practical extent with the
20 labeling programs of other states and federal agencies with
21 equivalent efficiency standards. The Agency shall allow the
22 use of existing marks, labels, or tags, which connote
23 compliance with the efficiency requirements of this Act.

24 (d) The Agency may test covered products. If products so
25 tested are found not to be in compliance with the minimum
26 efficiency standards adopted under Section 15, the Agency

1 shall:

2 (1) charge the manufacturer of such product for the
3 cost of product purchase and testing, and

4 (2) make information available to the Attorney General
5 and the public on products found not to be in compliance
6 with the standards.

7 (e) The Agency may cause periodic inspections to be made
8 of distributors or retailers of new covered products in order
9 to determine compliance with the provisions of this Act. The
10 Agency may investigate complaints received concerning
11 violations of this Act.

12 (f) If the Agency finds that any person has committed a
13 violation of any provision of this Act, the Agency may issue a
14 warning to such person. Any person who commits a violation
15 after the issuance of such warning may, following notice and
16 an opportunity to be heard, be subject to a civil penalty,
17 issued by the Agency, of up to one hundred dollars for each
18 offense. Any further violations committed by such person after
19 this second violation may be subject to a civil penalty of not
20 more than \$500 for each offense. Each product offered, sold,
21 or distributed in violation of Section 25 of this Act may
22 constitute a separate violation, each violation may constitute
23 a separate offense, and each day that such violation occurs
24 may constitute a separate offense. Penalties assessed under
25 this subsection are in addition to costs assessed under
26 subsection (d) of this Section.

1 (g) If the Agency finds repeated violations have occurred,
2 it may refer the matter to the Attorney General. The Attorney
3 General may institute proceedings to seek an injunction in
4 circuit court to enforce the provisions of this Act.

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

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