



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**SB2322**

Introduced 1/28/2004, by Patrick Welch

**SYNOPSIS AS INTRODUCED:**

New Act

Creates the Minimum Energy Efficiency Standards Act. Provides minimum efficiency standards for certain new products sold or installed in this State. Requires manufacturers to test their products and certify the results to IEPA. Requires manufacturers to identify conforming products by means of a mark, label, or tag. Effective immediately.

LRB093 18096 BDD 43784 b

1 AN ACT concerning energy efficiency.

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 Minimum Energy Efficiency Standards Act.

6 Section 5. Purpose and findings.

7 (a) This Act provides for the establishment of minimum  
8 efficiency standards for certain products sold or installed in  
9 this State.

10 (b) The legislature finds that:

11 (1) Efficiency standards for certain products sold or  
12 installed in this State assure consumers and businesses  
13 that the products meet minimum efficiency performance  
14 levels, thus saving money on utility bills.

15 (2) Such efficiency standards save energy and thus  
16 reduce pollution and other environmental impacts  
17 associated with the production, distribution, and use of  
18 electricity and natural gas.

19 (3) Such efficiency standards can make electricity  
20 systems more reliable by reducing the strain on the  
21 electricity grid during peak demand periods. Furthermore,  
22 improved energy efficiency can reduce or delay the need for  
23 new power plants, power transmission lines, and power  
24 distribution system upgrades.

25 (4) Energy efficiency standards contribute to the  
26 economy of this State by enabling consumers and business  
27 owners to spend less on energy, leaving more for the  
28 purchase of local goods and services.

29 Section 10. Definitions. As used in this Act:

30 "Agency" means the Illinois Environmental Protection  
31 Agency.

1 "Board" means the Illinois Pollution Control Board.

2 "Ceiling fan" means a non-portable device that is suspended  
3 from a ceiling for circulating air via the rotation of fan  
4 blades.

5 "Ceiling fan light kit" means the equipment used to provide  
6 light from a ceiling fan. This equipment can be (i) integral  
7 such that the ceiling fan light kit is hardwired to the ceiling  
8 fan or (ii) attachable such that the ceiling fan light kit is  
9 not, at the time of sale, physically attached to the fan.  
10 Attachable ceiling fan light kits might be included inside the  
11 ceiling fan package at the time of sale or sold separately for  
12 subsequent attachment to the fan.

13 "Commercial clothes washer" means a soft mount  
14 front-loading or soft mount top-loading clothes washer that is  
15 designed for use in (i) applications where the occupants of  
16 more than one household will be using it, such as in  
17 multi-family housing common areas and coin laundries or (ii)  
18 other commercial applications, if the clothes container  
19 compartment is no greater than 3.5 cubic feet for  
20 horizontal-axis clothes washers, or no greater than 4.0 cubic  
21 feet for vertical-axis clothes washers.

22 "Commercial refrigerators and freezers" means reach-in  
23 cabinets, pass-through cabinets, roll-in cabinets and  
24 roll-through cabinets that have less than 85 cubic feet of  
25 capacity and that are not walk-in models or consumer products  
26 regulated under the National Appliance Energy Conservation Act  
27 of 1987.

28 "Director" means the Director of the Illinois  
29 Environmental Protection Agency.

30 "Illuminated exit sign" means an internally-illuminated  
31 sign that is designed to be permanently fixed in place and used  
32 to identify an exit; a light source illuminates the sign or  
33 letters from within, and the background of the exit sign is not  
34 transparent.

35 "Large packaged air-conditioning equipment" means packaged  
36 air-conditioning equipment having 240,000 Btu/hour or more of

1 cooling capacity.

2 "Low voltage dry-type distribution transformer" means a  
3 distribution transformer that (i) has an input voltage of 600  
4 volts or less; (ii) is between 14 kVa and 2,501 kVa in size;  
5 (iii) is air-cooled; and (iv) does not use oil as a coolant.

6 "Packaged air-conditioning equipment" means  
7 air-conditioning equipment that is built as a package and  
8 shipped as a whole to end-user sites.

9 "Pass-through cabinet" means a commercial refrigerator or  
10 commercial freezer with hinged or sliding doors on both the  
11 front and rear of the refrigerator or freezer.

12 "Reach-in cabinet" means a commercial refrigerator,  
13 commercial refrigerator-freezer, or commercial freezer with  
14 hinged or sliding doors or lids, but excluding roll-in or  
15 roll-through cabinets and pass through cabinets.

16 "Roll-in or roll-through cabinet" means a commercial  
17 refrigerator or commercial freezer with hinged or sliding doors  
18 that allows wheeled racks of product to be rolled into or  
19 through the refrigerator or freezer.

20 "Torchiere lighting fixture" means a portable electric  
21 lighting fixture with a reflector bowl giving light directed  
22 upward so as to give indirect illumination.

23 "Traffic signal module" means a standard 8-inch (200mm) or  
24 12-inch (300mm) round traffic signal indication. It consists of  
25 a light source, lens, and all parts necessary for operation and  
26 communicates movement messages to drivers through red, amber,  
27 and green colors. Arrow modules in the same colors are used to  
28 indicate turning movements.

29 "Transformer" means a device consisting essentially of 2 or  
30 more coils of insulated wire that transfers alternating current  
31 by electromagnetic induction from one coil to another in order  
32 to change the original voltage or current value.

33 "Unit heater" means a self-contained fan-type heater that  
34 uses natural gas, propane, or fuel oil and that is designed to  
35 be installed within a heated space. Unit heaters include an  
36 apparatus or appliance to supply heat and a fan for circulating

1 air over a heat exchange surface, all enclosed in a common  
2 casing. Unit heaters do not include warm air furnaces as  
3 defined under the federal Energy Policy Act of 1992.

4 Section 15. Scope.

5 (a) The provisions of this Act apply to the testing,  
6 certification, and enforcement of efficiency standards for the  
7 following types of new products sold, offered for sale, or  
8 installed in this State: (1) ceiling fans and ceiling fan light  
9 kits; (2) commercial clothes washers; (3) commercial  
10 refrigerators and freezers; (4) illuminated exit signs; (5)  
11 large packaged air-conditioning equipment; (6) low voltage  
12 dry-type distribution transformers; (7) torchiere lighting  
13 fixtures; (8) traffic signal modules; (9) unit heaters; and  
14 (10) such other products as may be designated by the Director  
15 in accordance with Section 30.

16 (b) The provisions of this Act do not apply to (1) new  
17 products manufactured in this State and sold outside this  
18 State, (2) new products manufactured outside this State and  
19 sold at wholesale inside this State for final retail sale and  
20 installation outside this State, (3) products installed in  
21 mobile manufactured homes at the time of construction, or (4)  
22 products designed expressly for installation and use in  
23 recreational vehicles.

24 Section 20. Efficiency standards. The initial minimum  
25 efficiency standards for the types of new products set forth in  
26 Section 15 are as follows:

27 (1) Ceiling fans and ceiling fan light kits shall meet  
28 the Tier 1 criteria of the product specification (Version  
29 1.1) of the "Energy Star Program Requirements for  
30 Residential Ceiling Fans" developed by the U.S.  
31 Environmental Protection Agency.

32 (2) Commercial clothes washers shall meet the energy  
33 efficiency requirements for residential clothes washers in  
34 Energy Conservation Program for Consumer Products: Clothes

1 Washer Energy Conservation Standards, 66 Fed. Reg. 3314  
2 (January 12, 2001) (to be codified at 10 CFR Part 430).

3 (3) Commercial refrigerators and freezers shall meet  
4 the August 1, 2004 requirements shown in Table A-6 of  
5 section 1605.3 of the California Code of Regulations, Title  
6 20: Division 2, Chapter 4, Article 4: Appliance Efficiency  
7 Regulations that took effect on November 27, 2002.

8 (4) Illuminated exit signs shall meet the product  
9 specification (Version 2.0) of the "Energy Star Program  
10 Requirements for Exit Signs" developed by the U.S.  
11 Environmental Protection Agency.

12 (5) Large packaged air-conditioning equipment shall  
13 meet the Tier 2 efficiency levels of the "Minimum Equipment  
14 Efficiencies for Unitary Commercial Air Conditioners" and  
15 "Minimum Equipment Efficiencies for Heat Pumps" developed  
16 by the Consortium for Energy Efficiency, Boston, MA, and  
17 that took effect on July 1, 2002.

18 (6) Low voltage dry-type distribution transformers  
19 shall meet or exceed the energy efficiency values shown in  
20 Table 4-2 of National Electrical Manufacturers Association  
21 Standard TP-1-2002.

22 (7) Torchiere lighting fixtures shall not consume more  
23 than 190 watts and shall not be capable of operating with  
24 lamps that total more than 190 watts.

25 (8) Traffic signal modules shall meet the product  
26 specification of the "Energy Star Program Requirements for  
27 Traffic Signals" developed by the U.S. Environmental  
28 Protection Agency and that took effect in February 2001.

29 (9) Unit heaters shall not have pilot lights and shall  
30 have either power venting or an automatic flue damper.

31 The initial minimum efficiency standards provided in this  
32 Section are subject to change by Board rule in accordance with  
33 Section 30.

34 Section 25. Implementation.

35 (a) Beginning January 1, 2006, no new product of a type

1 subject to this Act may be sold or offered for sale in this  
2 State unless the efficiency of the new product meets or exceeds  
3 the applicable minimum efficiency standards.

4 (b) Beginning January 1, 2007, no new product of a type  
5 subject to this Act may be installed in this State unless the  
6 efficiency of the new product meets or exceeds the applicable  
7 minimum efficiency standards.

8 Section 30. New and revised standards; waiver.

9 (a) The Agency, after consultation with the Department of  
10 Commerce and Economic Opportunity, may propose to the Board (i)  
11 increased efficiency standards to replace any of the standards  
12 listed in Section 20, and (ii) new minimum efficiency standards  
13 for new products not specifically listed in Section 15. In  
14 proposing any new or increased efficiency standards, the Agency  
15 shall base that proposal upon a determination that the new or  
16 increased efficiency standards would serve to promote energy  
17 conservation in this State and would be cost effective for  
18 consumers who purchase and use the affected new products.

19 (b) The Board shall consider any new or increased  
20 efficiency standards proposed by the Agency, and shall adopt by  
21 rule those standards that it finds to be appropriate. In  
22 adopting any new or increased efficiency standard, the Board  
23 shall consider whether the new or increased efficiency standard  
24 would serve to promote energy conservation in this State and  
25 would be cost effective for consumers who purchase and use the  
26 affected new products. New or increased efficiency standards  
27 shall take effect no sooner than one year following the  
28 adoption of the rule providing for such new or increased  
29 efficiency standards.

30 (c) The Director may apply for a waiver of federal  
31 preemption in accordance with federal procedures for those  
32 products regulated by the federal government.

33 Section 35. Testing, certification, labeling, and  
34 enforcement.

1 (a) The manufacturers of new products subject to this Act  
2 shall cause samples of such products to be tested in accordance  
3 with the appropriate test procedures. With respect to  
4 efficiency standards adopted by reference under Section 20, the  
5 appropriate test methods shall be those specified in the  
6 adopted standards. Board rules providing for new or increased  
7 minimum efficiency standards shall specify the appropriate  
8 test methods, which shall be test methods approved by the U.S.  
9 Department of Energy or, in the absence of such test methods,  
10 other appropriate nationally recognized test methods.

11 (b) Manufacturers of new products subject to this Act shall  
12 certify to the Director that such products are in compliance  
13 with the provisions of this Act. The Director may adopt  
14 procedures and requirements governing the certification of  
15 such products and may work in coordination with the  
16 certification programs of other states. With respect to a  
17 product for which the Illinois efficiency standards and  
18 labelling requirements are the same as those of the federal  
19 government or another state, the Agency may accept as  
20 sufficient for compliance with this subsection the  
21 manufacturer's certification to the federal government or that  
22 other state, whichever is applicable, that the product complies  
23 with those standards and requirements.

24 (c) Manufacturers of new products subject to this Act shall  
25 identify each such product offered for sale or installation in  
26 this State as in compliance with the provisions of this Act by  
27 means of a mark, label, or tag on the product and packaging at  
28 the time of sale or installation. The Director shall propose  
29 and the Board shall adopt rules governing the identification of  
30 such products and packaging and may work in coordination with  
31 the labeling programs of other states.

32 (d) The Director may cause investigations to be made of  
33 complaints received concerning violations of this Act and may  
34 report the results of such investigations to the Attorney  
35 General. The Attorney General may institute proceedings to  
36 enforce the provisions of this Act.



1           (e) A manufacturer, distributor, retailer, or installer  
2 who violates any provision of this Act shall be issued a  
3 warning by the Director for the first violation. Repeat  
4 violations shall be subject to a civil penalty of not more than  
5 \$250. Each violation shall constitute a separate offense, and  
6 each day that a violation continues shall constitute a separate  
7 offense. Penalties assessed under this subsection are in  
8 addition to costs assessed under subsection (d).

9           (f) The Agency may propose and the Board may adopt any  
10 rules that are necessary to ensure the proper implementation  
11 and enforcement of this Act.

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

14           Section 99. Effective date. This Act takes effect upon  
15 becoming law.