



PERMANENT ADMINISTRATIVE ORDER

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DEPARTMENT OF ENERGY

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FILING CAPTION: Establishes new energy efficiency standards and testing procedures; updates existing standards and product listing requirements.

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RULES:

330-092-0005, 330-092-0010, 330-092-0015, 330-092-0020, 330-092-0025, 330-092-0030, 330-092-0035, 330-092-0040, 330-092-0045, 330-092-0050

AMEND: 330-092-0005

NOTICE FILED DATE: 06/29/2020

RULE SUMMARY: Amend purpose statement for Division 92 to reflect that the proposed changes will add new minimum energy efficiency standards using the process in ORS 469.261. Adds provisions clarifying the applicability of the rules establishing standards (OAR 330-092-0015), listing requirements (-0025) and labeling requirements (-0045).

CHANGES TO RULE:

330-092-0005

Purpose-; Applicability ¶

(1) Purpose: The purpose of these rules is to establish procedures to govern the enforcement and amendment of standards found in ORS 469.229 through 469.261, which establish minimum energy efficiency standards for equipment and appliances for sale or use in Oregon that are not federally regulated, and to establish new minimum energy efficiency standards in accordance to the procedures specified in ORS 469.261.¶

(2) Applicability of standards: A person may not sell, offer for sale, or install a product after the effective date specified in OAR 330-092-0015 unless that product meets or exceeds the minimum energy efficiency standards, listing, and labeling requirements specified in these rules. If the effective date is based on the date of manufacture, only products that are manufactured on or after that date are subject to the scope of these rules.¶

(3) Applicability of listing requirements: The listing requirements in OAR 330-092-0025 shall apply to products as long as that listing is available for the specific standard and product. If such a listing becomes unavailable, the department may determine and provide notification that there is no listing requirement for that specific product or category.¶

(4) Applicability of labeling requirements: The labeling requirements in OAR 330-092-0045 shall apply to

products as long as that label is available for the specific standard and product. If such a label becomes unavailable, the department may determine and provide notification that there is no labeling requirement for that specific product or category.

Statutory/Other Authority: ORS 469.040, ~~ORS 469.255, ORS 469.261, OL 2013, Ch. 418 (SB 692)~~

Statutes/Other Implemented: ORS 469.229-469.261, ~~OL 2013, Ch. 418 (HB 2565) & OL 2007, Ch. 469 (SB 375)~~

AMEND: 330-092-0010

NOTICE FILED DATE: 06/29/2020

RULE SUMMARY: Adds definitions relating to products affected by proposed new minimum energy efficiency standards and certain existing standards, and renumbers definitions in alphabetical order.

CHANGES TO RULE:

330-092-0010

Definitions ¶¶

As used in OAR 330-092-0010 through 330-092-004670:¶¶

(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.¶¶

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

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

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

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

(15) "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.¶

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

(17) "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, ~~OL 2013, Ch. 418 (SB 692)~~

Statutes/Other Implemented: ORS 469.229-469.261, ~~OL 2013, Ch. 418~~

AMEND: 330-092-0015

NOTICE FILED DATE: 06/29/2020

RULE SUMMARY: Adds effective dates for proposed new and updated energy efficiency standards, updates statutory references and revises numbering so that product category numbering is consistent in the following rules in Division 92:

330-92-0015 Effective Dates

330-92-0020 Standards and Test Procedures

330-92-0025 Product Listing

330-92-0045 Labeling

CHANGES TO RULE:

330-092-0015

Effective Dates for Regulated Equipment ¶¶

~~(1)~~ The following list specifies the effective dates for equipment ~~for which Oregon minimum energy efficiency standards have been adopted:~~ standards, test procedures, listing, and labeling requirements which have been adopted in these rules: ¶¶

~~(1)~~ Televisions, as defined in ORS 469.229(43): The standards in ORS 469.233(18) are effective for televisions that are manufactured on or after January 1, 2014. ¶¶

~~(a2)~~ Battery charger systems, as defined in ORS 469.229(7): The standards in ORS 469.233(19) are effective for: ¶¶

~~(Aa)~~ 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. ¶¶

~~(Bb)~~ 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. ¶¶

~~(Cc)~~ 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. ¶¶

~~(Dd)~~ 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. ¶¶

~~(Ee)~~ 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. ¶¶

~~(Ff)~~ 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 $0.8 + (0.0021 \times E_b)$ watts in battery maintenance mode, where (E_b) 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. ¶¶

~~(Gg)~~ 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 $0.8 + (0.0021 \times E_b)$ watts in battery maintenance mode, where (E_b) 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. ¶¶

~~(b3)~~ Bottle-type water dispensers, as defined in ORS 469.229(9): AR 330-092-0010(1): ¶¶

(a) The standards in ORS 469.233(12) are effective September 1, 2009 for sale of equipment in Oregon and September 1, 2010 for installation. ¶¶

(eb) The standards in OAR 330-092-0020(3) are effective for bottle-type water dispensers that are manufactured on or after January 1, 2022. ¶¶

~~(4)~~ 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. ¶
- (d5) Compact audio products, as defined in ORS 469.229(16): The standards in ORS 469.233(14) are effective September 1, 2009 for sale of equipment in Oregon and September 1, 2010 for installation. ¶
- (e6) 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. ¶
- (f7) High light output double-ended quartz halogen lamps, as defined in ~~Oregon Laws 2013, Chapter 418, Section 2:~~ The standards in Oregon Laws 2013, Chapter 418, Section 4RS 469.229(24): The standards in ORS 469.233(20), are effective January 1, 2016, for sale of equipment and installation. ¶
- (g8) Portable electric spas, as defined in ~~ORS 469.229(32): AR 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. ¶
- (h) ~~Televisions, as defined in ORS 469.229(42): The standards in ORS 469.233b) The standards in OAR 330-092-0020(8) are effective for portable electric spas that are manufactured on or after January 1, 2022.~~ ¶
- (9) 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 monitors: The standards in OAR 330-092-0020(10) are effective for computers and computer monitors that are manufactured on or after January 1, 2022. ¶
- (11) Faucets: The standards in OAR 330-092-0020(11) are effective for faucets that are manufactured on or after January 1, 2022. ¶
- (12) Showerheads: The standards in OAR 330-092-0020(12) are effective for showerheads that are manufactured on or after January 1, 2022. ¶
- (13) Commercial fryers: The standards in OAR 330-092-0020(183) are effective for commercial fryers that are manufactured on or after January 1, 2014, for sale of equipment and installation. ¶
- (222. ¶
- (14) Commercial dishwashers: The standards in OAR 330-092-0020(14) are effective for commercial dishwashers that are manufactured on or after January 1, 2022. ¶
- (15) Commercial steam cookers: The standards in OAR 330-092-0020(15) rules are effective for commercial steam cookers that are manufactured on or after January 1, 2022. ¶
- (16) Residential ventilating fans: The standards in OAR 330-092-0020(16) are effective for residential ventilating fans that are manufactured on or after January 1, 2022. ¶
- (17) Electric storage water heaters: The standards in OAR 330-092-0020(17) 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, ~~OL 2013, Ch. 418 (SB 692), OL 2017, Ch. 295 (HB 3025)~~

Statutes/Other Implemented: ~~OL 2013, Ch. 418, OL 2017, Ch. 295~~, ORS 469.229-469.261

AMEND: 330-092-0020

NOTICE FILED DATE: 06/29/2020

RULE SUMMARY: Establishes new standards and test procedures for: high CRI fluorescent lamps, computers and computer monitors, faucets, showerheads, commercial fryers, commercial dishwashers, commercial steam cookers, residential ventilating fans, and electric storage water heaters. Updates existing state standards and test procedures for bottle-type water dispensers, or water coolers, and portable electric spas. Updates statutory references and revises numbering so that product category numbering is consistent in the following rules in Division 92:

330-92-0015 Effective Dates

330-92-0020 Standards and Test Procedures

330-92-0025 Product Listing

330-92-0045 Labeling

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)(i), televisions must meet the energy efficiency standards in ORS 469.233(18) 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.¶¶

(2) Battery charger systems: Beginning on the effective date shown in OAR 330-092-0015(1)(a2), battery charger systems must meet the energy efficiency standards in ORS 469.233(19) 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(19)(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(19)(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) Beginning on the effective date shown in OAR 330-092-0015(1)(g), high light output double-ended quartz halogen lamps must meet the energy efficiency standards in Oregon Laws 2013, Chapter 418, Section 4, 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
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).¶

(7) High light output double-ended quartz halogen lamps: Beginning on the effective date shown in OAR 330-092-0015(1)(g), high light output double-ended quartz halogen lamps must meet the energy efficiency standards in ORS 469.233(20), 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 November 8, 2017, as measured in accordance with test methods prescribed in section 1604(v) of those regulations.¶

(11) Faucets: 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.

(13) Commercial fryers: Beginning on the effective date shown in OAR 330-092-0015(13), 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), 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), 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), 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), 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 to other states that have a similar standard, and the department may coordinate review of the submittal with 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 2013, Ch. 418 (SB 692)~~

Statutes/Other Implemented: ORS 469.229-469.261, ~~OL 2013, Ch. 418~~

AMEND: 330-092-0025

NOTICE FILED DATE: 06/29/2020

RULE SUMMARY: Specifies the requirements for product listing (i.e., inclusion on a central registry for compliant equipment). Removes obsolete references to Multi-State Compliance System.

CHANGES TO RULE:

330-092-0025

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

~~(1) Manufacturers of Oregon-regulated equipment shall report compliance by registering a product on the Multi-State Compliance System website (www.appliancestandards.org) or by registering products with the California Energy Commission appliance efficiency database (www.energy.ca.gov/appliances). Products registered on the California Energy Commission appliance efficiency database may be automatically entered on the M-SCS database. ¶¶~~

~~(2) The following listing requirements shall apply to products as long as that listing is available for the specific standard and product: ¶¶~~

~~(1) Televisions: each manufacturer must cause to be listed each television, by model number, in MAEDbS. ¶¶~~

~~(2) Battery charging systems: 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), each manufacturer must cause to be listed each bottle-type water dispenser, by model number, in MAEDbS. ¶¶~~

~~(b) 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. ¶¶~~

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

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

~~(6) 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. ¶¶~~

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

~~(8) Portable electric spas: each manufacturer must cause to be listed each portable electric spa, by model number, in MAEDbS. ¶¶~~

~~(9) 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 computer and computer monitor, by model number, in MAEDbS. ¶¶~~

~~(11) Faucets: each manufacturer must cause to be listed each faucet, by model number, in MAEDbS. ¶¶~~

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

~~(13) Commercial fryers: each manufacturer must cause to be listed each commercial fryer, by model number, in the ENERGY STAR[®] product database. ¶¶~~

~~(14) Commercial dishwashers: Each manufacturer must cause to be listed each commercial dishwasher, by model number, in the ENERGY STAR[®] product database. ¶¶~~

~~(15) Commercial steam cookers: each manufacturer must cause to be listed each commercial steam cooker, by model number, in the ENERGY STAR[®] product database. ¶¶~~

~~(16) Residential ventilating fans: residential ventilating fans have no product listing requirement. ¶¶~~

~~(17) Electric storage water heaters: electric storage water heaters have no product listing requirement. ¶¶~~

~~(18) Questions concerning product registration 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, ~~OL 2013, Ch. 418 (SB 692)~~

Statutes/Other Implemented: ORS 469.229-469.261, ~~OL 2013, Ch. 418~~

AMEND: 330-092-0030

NOTICE FILED DATE: 06/29/2020

RULE SUMMARY: Amends rule language to take into account changes and additions to product listing requirements in OAR 330-092-0015.

CHANGES TO RULE:

330-092-0030

Effect of ~~Registration~~Listing ¶

To be sold, offered for sale, or installed in Oregon on or after the effective dates described in OAR 330-092-0015, Oregon-regulated products must be listed as "Compliant" in the M-SCS database ~~or be registered with the California Energy Commission per the requirements of OAR 330-092-0025~~. Products that are not registered as compliant with the California Energy Commission, not listed in the M-SCS database, or are listed as "Needing Attestation" or "Non-Compliant" ~~may not be sold~~according to these rules may not be sold, offered for sale, or installed in Oregon on or after the applicable effective date.

Statutory/Other Authority: ORS 469.040, ORS 469.255, ORS 469.261, ~~OL 2013, Ch. 418 (SB 692)~~

Statutes/Other Implemented: ORS 469.229-469.261, ~~OL 2013, Ch. 418~~

REPEAL: 330-092-0035

NOTICE FILED DATE: 06/29/2020

RULE SUMMARY: The Multi-State Compliance System, or M-SCS, was the central database established as a partnership between multiple states for previous appliance standards, but is no longer referenced for any products under Division 92 rules.

CHANGES TO RULE:

~~330-092-0035~~

~~Manufacturer Certification of Information Entered in the Multi-State Compliance System ¶¶~~

~~(1) Manufacturers of Oregon-regulated equipment not listed in the M-SCS database as compliant with the California standards or not registered as compliant with the California Energy Commission must certify to the Oregon Department of Energy with a letter signed by a responsible officer in the organization, such as the Chief Financial Officer, Government Relations Officer, Chief Engineer or Technical Officer, that: ¶¶~~

~~(a) The information related to the products listed by the manufacturer is true and accurate; and ¶¶~~

~~(b) The products have been tested in accordance with test methods specified in ORS 469.233 or in these rules, as appropriate. ¶¶~~

~~(2) A single letter may certify compliance for multiple products, but the letter must list each product to which it applies separately. Additional certifications are required when new products are listed. ¶¶~~

~~(3) The letter may be sent by mail, fax, e-mail of a scanned copy, or e-mail with electronic signature, 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. ¶¶~~

~~(4) The Department will update the M-SCS database as needed to reflect that compliance letters have been received.~~

~~Statutory/Other Authority: ORS 469.040, ORS 469.255, ORS 469.261, OL 2013, Ch. 418 (SB 692)~~

~~Statutes/Other Implemented: ORS 469.229-469.261, OL 2013, Ch. 418~~

AMEND: 330-092-0040

NOTICE FILED DATE: 06/29/2020

RULE SUMMARY: Delete language addressing procedures for the Multi-State Compliance System, or M-SCS, which is no longer referenced in Division 92 rules.

CHANGES TO RULE:

330-092-0040

Determination of Compliance ¶¶

~~(1) Products for which the Oregon minimum energy efficiency standards are identical to or lower than standards adopted in California, and that have been approved by the California Energy Commission, will automatically be certified as compliant for sale and installation in Oregon.¶¶~~

~~(2) Products for which Oregon minimum energy efficiency standards are not identical to standards adopted in California, or that have not been approved by the California Energy Commission, must be approved by the Oregon Department of Energy and will be designated in the M-SCS database as "Needing Attestation" until they are approved.¶¶~~

~~(3) Products which do not comply with the appliance efficiency standards set forth in ORS 469.233 will be designated in the M-SCS database as "Non-Compliant."¶¶~~

~~(4) A manufacturer may request the Department to change the status of a product in the M-SCS database from "Needing Attestation" or "Non-Compliant" to "Compliant" if it believes the product is incorrectly listed. The Department may require the manufacturer to submit or resubmit certification pursuant to OAR 330-092-0035 and any other documentation demonstrating that the product meets the applicable minimum energy efficiency standard.¶¶~~

~~(5) The Department may require the manufacturer to provide test results or other documentation verifying that a product meets Oregon's minimum energy efficiency standards for that category of equipment.~~

~~Statutory/Other Authority: ORS 469.040, ORS 469.255, ORS 469.261, OL 2013, Ch. 418 (SB 692)~~

~~Statutes/Other Implemented: ORS 469.229-469.261, OL 2013, Ch. 418~~

AMEND: 330-092-0045

NOTICE FILED DATE: 06/29/2020

RULE SUMMARY: Specifies how products have to be physically labeled to show compliance. Oregon will reference labeling requirements of external bodies (California, Energy Star), with no separate labeling requirements for Oregon.

CHANGES TO RULE:

330-092-0045

Labeling ¶¶

~~(1) Except as provided in subsections (2) through (4) of~~ The following labeling requirements shall apply to products as long as that label is available for this section, a product which is listed as "Compliant" in the M-SCS database or registered as ific 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 must comply with the California Energy Commission will be deemed to meet Oregon's labeling requirements if that product is permanently, legibly and conspicuously marked, labeled or tagged on an accessible place on each unit with the following information:¶¶

(a) Manufacturer's name or brand name or trademark, which shall be either the name, brand or trademark of the listed manufacturer reporting compliance pursuant to OAR 330-092-0035;¶¶

(b) Model number; and¶¶

(c) Date of manufacture, indicating at least the year and month. If the date is in a code that is not readily accessible to the lay person, the manufacturer shall immediately, upon request, provide the code to the Department.¶¶

(2) For lamps, the information required by subsection (1) of this section shall be permanently, legibly, and conspicuously display 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, must comply with the requirements of section 1607 of the California Rule.¶¶

(b) For products that must comply with the standard in OAR 330-092-0020(3), every unit of every bottle-type water dispenser, or water cooler, must have an ENERGY STAR[®] label.¶¶

(4) 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.¶¶

(5) Compact audio products: Every unit of every compact audio product must comply with the requirements of section 1607 of the California Rule.¶¶

(6) Digital versatile disc players and digital versatile disc recorders: Every unit of every digital versatile disc player or digital versatile disc recorder must comply with the requirements of section 1607 of the California Rule.¶¶

(7) High light output double-ended quartz halogen lamps: there is no labeling requirement.¶¶

(8) Portable electric spas: ¶¶

(a) For products that must comply with the standard in ORS 469.233(16), there is no product labeling requirement.¶¶

(b) For products that must comply with the standard in OAR 330-092-0020(8), every unit of every portable electric spa must comply with the labeling requirements of the American National Standard for portable electric spa energy efficiency (ANSI/APSP/ICC-14 2019).¶¶

(9) 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.¶¶

(10) Computers and computer monitors: Every unit of every computer and computer monitor must comply with the requirements of section 1607 of the California Rule.¶¶

(11) Faucets: Every unit of every faucet must comply with the requirements of section 1607 of the California Rule.¶¶

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

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

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

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

(16) Residential ventilating fans: there is no labeling requirement.

(17) Electric storage water heaters: Every unit of every electric storage water heater must have a label or marking indicating compliance with the standard ~~in an accessible place on each unit, on the unit's packaging~~ this section. Each electric storage water heater subject to these rules must have the following label or marking, ~~or, where the unit is contained in a group of several units in a single package, on the packaging of the group~~ 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.

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

(19) 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;

(c) Compliance with subsection (1) would be impractical; or

(d) Labeling is unnecessary.

(e) No waiver will be made for an individual manufacturer or individual product.

Statutory/Other Authority: ORS 469.040, ORS 469.255, ORS 469.261, ~~Oregon Laws 2013, Ch. 418 (SB 692)~~

Statutes/Other Implemented: ORS 469.229-469.261, ~~Oregon Laws 2013, Ch. 418 (SB 692)~~

AMEND: 330-092-0050

NOTICE FILED DATE: 06/29/2020

RULE SUMMARY: Removes obsolete references to Multi-State Compliance System, or M-SCS, database no longer in use, and renumbers paragraphs.

CHANGES TO RULE:

330-092-0050

Determination of Non-Compliance ¶¶

~~(1) If a manufacturer has not submitted certification to the Department pursuant to OAR 330-092-0035 for a product, the Department may change the Oregon status in the M-SCS to "Needing Attestation" and require the manufacturer to provide such certification within 30 days. If certification is not received within 30 days, the Department may change the status to "Non-Compliant" until such time as the certification is provided.¶¶~~

~~(2) The Department may review any product if it has cause to believe the product may not comply with Oregon's appliance efficiency standards.¶¶~~

~~(a2) Upon completing its review, the Department will notify a manufacturer in writing of its determination whether the product is in compliance with the appropriate appliance energy efficiency standard. The notification will include:¶¶~~

~~(Aa) Identification of the product.¶¶~~

~~(Bb) An explanation of any deficiencies in compliance with the applicable standards, testing requirements, or labeling requirements.¶¶~~

~~(Cc) The action the Department proposes to take if it determines the product is non-compliant or the information supplied to the Department through the M-SCS database or other means is in error.¶¶~~

~~(b3) The manufacturer must respond to the notice of deficiency within thirty days of mailing.¶¶~~

~~(e4) The Department will make its final determination within fifteen days of receiving the manufacturer's response.~~

Statutory/Other Authority: ORS 469.040, ~~ORS 469.255, ORS 469.261, OL 2013, Ch. 418 (SB 692)~~

Statutes/Other Implemented: ORS 469.229-469.261, ~~OL 2013, Ch. 418~~