

Maryland Energy Administration
Maryland Energy Efficiency Standards Act
Questions and Answers
(February 10, 2005 edition)

Introduction

I. General Information

II. Scope of the Statute

III. Testing and Labeling

IV. Compliance and Enforcement

Introduction.

These Questions and Answers (Q&As) are meant to help consumers, retailers, distributors and manufacturers understand the Energy Efficiency Standards Act (the Act or EESA) (State Government Article, Section 9-2006, Annotated Code of Maryland) and the implementing regulations (COMAR 14.26.03.01-14.26.03.14.). This document is not a substitute for the Act or the regulations, and should not be relied upon for legal purposes.

For further information, please contact David Cronin at 410/260-7543 of the Maryland Energy Administration. Persons are invited to review and provide comments on this document. MEA is prepared to amend this document to provide additional useful information about the Act, the implementing regulations and the underlying policies.

I. General Information.

Q1. What is the Energy Efficiency Standards Act and what is its purpose?

A1. The General Assembly passed the Energy Efficiency Standards Act to establish minimum energy efficiency standards on nine separate products that consume energy being sold or offered for sale in the State. Related to this general purpose are provisions that require manufacturers to identify products that meet the Maryland standards, provide for testing, labeling and also enforcement of the law.

Q2. Who is responsible for the implementation of the Energy Efficiency Standards Act?

A2. The Maryland Energy Administration is responsible for the implementation of these energy efficiency standards. For further information, please visit our Web site at <http://www.energy.state.md.us/>

Q3. Where can I find additional information about the energy efficiency standards in the Energy Efficiency Standards Act?

A3. Information about the energy efficiency standards can be found on the Maryland Energy Administration website <http://www.energy.state.md.us/>

Q4. What products are subject to the Energy Efficiency Standards Act?

A4. The following products are subject to the Energy Efficiency Standards Act:

Torchiere Lighting Fixtures.

Unit Heaters.

Low-Voltage Dry-Type Distribution Transformers.

Ceiling Fans and Ceiling Fan Light Kits.

Red and Green Traffic Signal Modules.

Illuminated Exit Signs.

Commercial Refrigeration Cabinets.

Large Packaged Air-Conditioning Equipment.

Commercial Clothes Washers.

Q5. Where can I find a copy of the Energy Efficiency Standards Act?

A5. The Energy Efficiency Standards Act (State Government Article, Section 9-2006, Annotated Code of Maryland) can be found online at

<http://mlis.state.md.us/2003rs/billfile/SB0394.htm> or at <http://www.energy.state.md.us/>

Implementing regulations for the Act, COMAR 14.26.03.01-14.26.03.14 are also found at this web site: <http://www.energy.state.md.us/>.

Q6. When do these standards take effect?

A6. Listed products sold or offered for sale in Maryland have to meet the standards after March 1, 2005. The exceptions to this general rule relate to commercial clothes washers, and ceiling fan light kits. Commercial clothes washers and ceiling fan light kits do not have to meet the new efficiency standards until March 1, 2007. Commercial clothes washers and ceiling fan light kits not meeting the standards may be installed until January 1, 2008.

Please note that the statute provides that MEA may delay implementation of the standards of the law upon the request of a Maryland business or consumer if the MEA determines that products conforming to the standard will not be widely available in Maryland by the applicable date. (State Government Article, Section 9-2006(e) Annotated Code of Maryland; COMAR 14.26.03.07). In December, MEA granted a one year delay of implementation on three products: ceiling fans, unit heaters, commercial refrigeration cabinets.

Q7. What happens if a listed product is sold or installed in the State of Maryland after the above-referenced dates?

A7. That action would be a violation of the Energy Efficiency Standards Act and potentially subject the seller and possibly others to liability.

Q8. I believe that one of these products conforming to the standards will not be available by the time set for products to meet the standard. Is there any way to delay implementation of the standard until conforming products do enter the market?

A8. Yes. If products conforming to one of the standards will not be widely available in Maryland by the effective date of the requirements, a Maryland business or consumer may file a request with the Maryland Energy Administration to delay the implementation

of the standard by not more than one year. . The request should include the length of the delay sought, as well as the reason for such a delay and any supporting information. MEA will consider such requests and, following appropriate notice and comment, make a determination. See State Government Article, Section 9-2006(e) Annotated Code of Maryland; COMAR 14.26.03.07.

As noted in A6, MEA has already made “delay” determinations concerning several products.

Q9. How is the Energy Efficiency Standards Act different from the ENERGY STAR Program?

A9. The Federal ENERGY STAR program is a voluntary federal program wherein manufacturers are encouraged to develop and provide products that meet certain designated energy efficiency standards. An ENERGY STAR label is awarded to those products that generally rank in the top 25 percent of their product type. The federal government’s ENERGY STAR standards tend to be ratcheted up over time since, through innovation, efficiency for products increase. In contrast, in the Energy Efficiency Standards Act, the State is mandating very specific energy efficiency standards for listed products sold or offered for sale or installed in the State after a certain date.

Q10. Do I need to go to a special store in order to purchase products covered by the Act?

A10. No. Stores in Maryland that sell the types of products covered under the Act will only carry products that are in compliance after the effective date. If you believe a retailer is selling products in violation of these standards, please contact the Maryland Energy Administration at 1-800-735-2258 or (410) 260-7655.

Q11. Whom can I contact for more information on the energy efficiency standards reflected in the Act?

A11. For more information about these energy efficiency standards, please contact David Cronin of the Maryland Energy Administration at 1-800-735-2258 or (410) 260-7543.

II. Scope of Statute.

Q12. What types of appliances are covered by these standards?

A12. The new energy efficiency standards apply to nine different categories of products:
Torchiere lighting fixtures.

Unit heaters.

Low-voltage dry-type distribution transformers.

Ceiling fans.

Red and green traffic signal modules.

Illuminated exit signs.

Commercial refrigerator cabinets.

Large packaged air-conditioning equipment.

Commercial clothes washers.

(State Government Article, Section 9-2006(b) Annotated Code of Maryland; COMAR 14.26.03.04.)

Q13. Whom does this Act apply to?

A13. This act applies to all manufacturers, wholesalers, retailers, distributors, commercial installers and consumers in the State of Maryland.

Q14. Where can I find a list of the products that meet the new energy standards?

A14. The Maryland Energy Administration intends to maintain a list of all products that are in compliance with the new efficiency standards. MEA intends to place the information on the MEA web site: <http://www.energy.state.md.us/> or you may request a hard copy of this information by calling (410) 260-7655.

Q15. What is a torchiere lighting fixture?

A15. A torchiere lighting fixture means a portable electric lighting device with a reflector bowl giving light directed upward so as to give indirect illumination.

Q16. Are all torchiere lighting units subject to the efficiency standards described in the Energy Efficiency Standards Act?

A16. No. Only those torchiere lighting units that consume more than 190 watts or may be capable of operating with lamps that total more than 190 watts.

Q17. What is a unit heater?

A17. For purposes of EESA, a "unit heater" means a self-contained fan-type heater that is designed to be installed within the heated space; and includes an apparatus or appliance to supply heat and a fan for circulating air over a heat exchange surface, all enclosed in a common casing. A unit heater does not include a "warm air furnace" as defined under the Federal Energy Policy Act of 1992.

Q18. What is a low-voltage dry-type distribution transformer?

A18. A low-voltage dry-type distribution transformer is a device used to alter the power of an electrical current before distributing it to devices that require lower levels of power with the power entering the transformer at 600 volts or less and uses air as a coolant.

For purposes of the EESA, low-voltage dry-type distribution transformers do not include:

1. An autotransformers in which the primary and secondary windings are not electronically isolated and at least a portion of the secondary voltage is derived from the primary winding.
2. A drive transformer designed only to provide power to operate an electronic, variable-speed motor drive.
3. A grounding transformer designed only to provide a grounding point.
4. A harmonic transformer designed to supply a load with a higher than normal harmonic current level and that has a k-rating of k-4 or greater.
5. An impedance transformer that has a specified impedance of less than 4 percent or greater than 8 percent.
6. A machine tool transformer designed only to provide power to machine tool equipment.

7. A rectifier transformer designed to provide power only to a rectifier circuit and that has a nameplate rating for both the fundamental frequency power rating and the RMS power rating.
8. A regulating transformer with automatic tap changers.
9. A sealed and nonventilating transformer designed to prevent airflow through the transformer.
10. A testing transformer designed only as part of, or to supply power to, electrical test equipment.
11. A UPS transformer designed only as an integral part of an uninterruptible power system.
12. A welding transformer designed only to provide power to welding equipment.

Q19. What is a red and green traffic signal module?

A19. A red and green traffic signal module is part of the standard traffic light signal used at intersections.

Q20. What is an illuminated exit sign?

A20. An illuminated exit sign is any illuminated sign permanently fixed in a building intended to identify an exit.

Q21. What is a commercial refrigeration cabinet?

A21. A commercial refrigeration cabinet is any refrigerator, freezer or refrigerator-freezer designed for commercial use and may be configured as a reach-in cabinet, a pass-through cabinet, a roll-in cabinet or a roll-through cabinet.

Q22. What is large packaged air conditioning equipment?

A22. Large packaged air conditioning equipment is any air conditioning equipment with over 20 tons of cooling capacity.

Q23. What is a commercial clothes washer?

A23. A commercial clothes washer is any clothes washer that was designed by the manufacturer for use in situations where more than one household will be using it or if it is used for any other commercial activities, unless the clothes container compartment is not greater than 3.5 cubic feet for horizontal-axis clothes washers or 4.0 cubic feet for vertical-axis clothes washers.

Q24. I own a townhouse in Baltimore City, containing three individual units. A total of 5 people live in this building. In the basement, as a convenience to my tenants, I have placed a clothes washer and clothes dryer. I do not "charge" money for the use of these machines. As I had mentioned, these machines are there for their convenience. The washer will need to be replaced in the next year or so. Will this machine need to comply with the EESA standards?

A24. The only clothes washers that are subject to EESA standards are those that were designed by the manufacturer for use in commercial situations. If the washer is simply a standard "single family" washer, meaning it was not designed by the manufacturer for multiple-family use, it would not need to comply with the EESA standards.

III. Testing and Labeling.

Q25. How do I know if an appliance I purchased meets these standards?

A25. Appliances will be labeled before they are sold, so you will be able to tell before you purchase whether your appliance meets the new standards. Also MEA intends to maintain on our Web site a list of all products conforming to the EESA standards.

Q26. What labeling requirements are there for products that meet the new energy efficiency standards?

A26. Every product in compliance with these standards will be identified by a mark, label or tag affixed to the product at the time of sale or installation. This label will state that the product complies with the Maryland Energy Efficiency Standards Act. The label does not need to be permanently affixed: it may be a removable or hanging label. Please note though that there is a general exception to this rule: Maryland labels are not required for those products bearing another label reflecting that the product meets an efficiency standard at least equal to the Maryland standard.

Q27. What does the Maryland label look like?

A27. The Maryland label, mark or tag shall consist of the letter "M" within a circle. The circle may not be less than one-half inch in diameter.



Q28. Are there any EESA covered products that might be covered by other efficiency regimes that have labeling laws.

A28. Yes. Certain ceiling fans, commercial refrigerators and freezers, traffic signal modules are covered by ENERGY STAR for which there are labels. Exit signs are covered by a California Energy Commission efficiency standard and there is a labeling provision relating to the product. There is an industry, National Electrical Manufacturers Association (NEMA), standard and label that applies to low-voltage dry-type distribution transformers. There may be other standards and labels that MEA is not aware of that are applicable.

Q29. What methods of testing are used to determine whether an appliance is in compliance with the standards?

A29. MEA is in the process of identifying tests that can gauge whether appliances subject to EESA are in compliance with EESA standards or not. Representatives of the Appliances Standards Awareness Project have suggested that the following tests could be used to determine whether the appliances comply with the standards:

Ceiling fans: ENERGY STAR method.

Commercial clothes washers: U.S. DOE test method (10 CFR section 430.23(j)(Appendix J1 to Subpart B of Part 430) (2001)

Commercial refrigerators and freezers: ANSI/ASHRAE 117-1992 with CEC modifications per Table A-2 of California Title 20 Appliance Standards.

Exit signs: ENERGY STAR test method. Large packaged air-conditioners: ANSI/ARI 340/360-2000 test method (industry test method).

Low-voltage dry-type distribution transformers: National Electrical Manufacturers Association (NEMA) Standard TP-2.

Torchiere lighting fixtures: Prescriptive standard for fixture; IES LMLM-45 for bulb wattage.

Traffic signal modules: ITE test method as applied by ENERGY STAR.

Unit heaters: Prescriptive standard- no test method required.

MEA invites interested persons to comment on the identified test methodologies and also to identify others that may work as well.

Q30. How does a new product become certified?

A30. The manufacturer must provide a certification in writing to the Maryland Energy Administration stating that any product covered by these standards offered for sale in the State is in compliance with the law.

Q31. What is the process for providing the certification and what should it look like?

A31. Manufacturers of products that must be in compliance with the EESA standard on March 1, 2005 should direct certifications to MEA no later than that date. Manufacturers of covered products are invited to start providing this information immediately..

Q32. What information should the certification contain?

A32. The following information should be on each certification:

Manufacturer information: Company name, contact name, address, telephone number, fax number, contact person's e-mail address.

Product Category.

Product information: Name(s) and product identification number(s) of covered product.

Assertion of compliance statement and related information: Statement that the referenced product meets EESA standards.

Information including name, address, telephone number, fax number, website address and email address of the testing laboratory or other institution where testing was performed.

Test Method used.

Labeling requirement: Statement identifying how labeling requirement of the EESA has been addressed.

Please note: A sample certification form is attached as Appendix A to this document.

Q33. Where should completed certifications be sent?

A33. Completed certifications can be sent to the following addresses:

Postal Service Address:

Maryland Energy Administration
Attention: EESA certifications
1623 Forest Drive, Suite 300
Annapolis, Maryland 21403

E-mail address: meainfo@energy.state.md.us

Facsimile number: (410) 974-2250.

Please note: You will want to have a confirmation that the mailing has actually been received by MEA. For this reason, we recommend that if you send the certifications by post that you send them by certified mail. For faxes the receipt log will be your confirmation. Regarding email submissions, if you do not get a confirmation of receipt within three days of mailing, please call MEA at (410)260-7655 or 1-800-723-6374 to ensure that the email was received.

Q34. I manufacture ceiling fans that are subject to EESA. I understand that implementation of the law has been delayed for one year. For my products distributed in Maryland, when must the certifications be directed to MEA?

A34. As implementation has been delayed for one year, certifications must be directed to EESA on or before March 1, 2006. Manufacturers, of course, could provide these certifications sooner if they desire.

Q35. How will consumers know whether the appliance they have purchased meets the efficiency standards?

A35. Consumers will be able to look at the label on a product at the time of purchase or installation to know whether or not it meets the energy efficiency standards. Consumers will also be able to acquire a list of products meeting the standards from the Maryland Energy Administration. The list is expected to be available on line at <http://www.energy.state.md.us/>

Q36. Who pays for the product testing?

A36. For the initial certification, the manufacturer is responsible for paying for the testing of each product and labeling costs. If MEA decides to, on its own, test products subject to the law, it will pay for the testing, unless MEA finds the product not to be in compliance with the efficiency standards established under the law, in which case the manufacturer shall pay for the testing.

Q37. Must the manufacturer test products to be sold in the State?

A37. To conform, the manufacturer needs to be able to support a certification reflecting that the product meets the standards of the law. If testing has already been completed for other purposes, and that testing reflects that the product complies with the EESA standards, proof of that testing will suffice for purposes of the Act.

IV. Compliance and Enforcement.

Q38. Who is responsible for making sure an appliance meets these standards?

A38. The manufacturer, distributor and retailer share the responsibility to ensure products sold in Maryland meet these standards.

Q39. Do the appliances in my mobile home or recreational vehicle have to meet these new energy standards?

A39. No. Products covered by the Act that are either installed or designed to be installed in a mobile home or a recreational vehicle do not have to meet the new energy efficiency standards.

Q40. What requirements must a manufacturer meet in order to be in compliance with the requirements of the Act?

A40. A manufacturer must meet the certification, testing and labeling requirements in order to be in compliance with the Act. The labeling standard requires all subject appliances that meet the Act standards have a label on both the product and its packaging. Please see the sample label at A27.

Q41. I purchased a product subject to the Energy Efficiency Standards Act after March 1, 2005 from a retailer. There was no label on the product and the manufacturer did not provide a certification to the Maryland Energy Administration. What should I do?

A41. Since the product should not have been sold in the State of Maryland it should be returned for a full refund. You may wish to notify the Maryland Energy Administration of the incident for investigation.

Q42. What happens if a product is not in compliance with the requirements of the energy efficiency standards?

A42. If a product is not in compliance with the energy efficiency standards it cannot be sold or installed in Maryland after the date the standards take effect.

Q43. What is the penalty for failing to comply with these standards?

A43. First-time violations by manufacturers, distributors or retailers of covered products are subject to a warning by the Maryland Energy Administration.

Q44. What is the penalty for repeated violations of these standards?

A44. Any manufacturer, distributor or retailer of covered products that fail to comply, after receiving a warning, will be subject to a civil penalty of no more than \$250, each violation constituting a separate offense and each day that a violation continues constituting a separate violation.

Q45. If it is clear that a product cannot meet the EESA efficiency standards by the date or enactment, is there anything anybody can do to delay implementation of the Act as it applies to the product?

A45. If it appears that products conforming to one of the standards will not be widely available in Maryland by the effective date of the requirements a Maryland consumer or business may file a request with the Maryland Energy Administration to delay the implementation of the standard until such a time as suitable products are widely available

in Maryland. This request must be in writing. The request should include the length of the delay sought, as well as the reason for such a delay and any supporting information. Also see Questions and Answers 6 and 8 and State Government Article, Section 9-2006(e) Annotated Code of Maryland; COMAR 14.26.03.07. In December, 2004 MEA granted a one-year delay of implementation on ceiling fans, unit heaters, commercial refrigeration cabinets.

Appendix A: Energy Efficiency Standards Act Sample Certification.

Product Type:_____.

Manufacturer's information.

Manufacturer name and address:_____.

Manufacturer's point of contact name:_____.

Point of contact's telephone number:_____.

Fax number:_____.

Point of contact's email address:_____.

Product Information.

Product name:_____.

Product identification number:_____.

(additional products may be identified in attachment)

Compliance statement. I assert that the product identified on this certification conforms to the standards to the efficiency standards contained in the Energy Efficiency Standards Act, State Government Article, Section 9-2006(e) Annotated Code of Maryland.

Authorized signature._____.

Name:_____.

Title._____.

Date._____.

Testing Laboratory Information.

Testing laboratory's or institution's name._____.

Address:_____.

Website:_____.

Contact Name:_____.

Telephone number:_____.

Fax number_____.

Email address:_____.

Test method used:_____.

Labeling Information.

Brief discussion as to whether the product shall bear a Maryland label or if not what label it shall have that reflects that the products meets an efficiency standard equal to the one reflected in the Energy Efficiency Standards Act.