

ASSEMBLY BILL

No. 1480

Introduced by Assembly Member Patterson

February 27, 2015

An act to amend Section 25402 of the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1480, as introduced, Patterson. Energy efficiency.

Existing law authorizes the State Energy Resources Conservation and Development Commission to prescribe, by regulation, appliance efficiency standards, based on reasonable use patterns, to promote the use of energy and water efficient appliances.

This bill would make nonsubstantive revisions to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25402 of the Public Resources Code is
2 amended to read:
3 25402. The commission shall, after one or more public
4 hearings, do all of the ~~following~~, *following* in order to reduce the
5 wasteful, uneconomic, inefficient, or unnecessary consumption of
6 energy, including the energy associated with the use of water:
7 (a) (1) Prescribe, by regulation, lighting, insulation climate
8 control system, and other building design and construction
9 standards that increase ~~the~~ efficiency in the use of energy and water
10 for new residential and new nonresidential buildings. The

1 commission shall periodically update the standards and adopt any
2 revision that, in its judgment, it deems necessary. Six months after
3 the commission certifies an energy conservation manual pursuant
4 to subdivision (c) of Section 25402.1, ~~no~~ a city, county, city and
5 county, or state agency shall *not* issue a permit for ~~any~~ a building
6 unless the building satisfies the standards prescribed by the
7 commission pursuant to this subdivision or subdivision (b) that
8 are in effect on the date an application for a building permit is
9 filed. Water efficiency standards adopted pursuant to this
10 subdivision shall be demonstrated by the commission to be
11 necessary to save energy.

12 (2) Prior to adopting a water efficiency standard for residential
13 buildings, the Department of Housing and Community
14 Development and the commission shall issue a joint finding
15 whether the standard (A) is equivalent or superior in performance,
16 safety, and for the protection of life, health, and general welfare
17 to standards in Title 24 of the California Code of Regulations and
18 (B) does not unreasonably or unnecessarily impact the ability of
19 Californians to purchase or rent affordable housing, as determined
20 by taking account of the overall benefit derived from water
21 efficiency standards. Nothing in this subdivision in any way
22 reduces the authority of the Department of Housing and
23 Community Development to adopt standards and regulations
24 pursuant to Part 1.5 (commencing with Section 17910) of Division
25 13 of the Health and Safety Code.

26 (3) Water efficiency standards and water conservation design
27 standards adopted pursuant to this subdivision and subdivision (b)
28 shall be consistent with the legislative findings of this division to
29 ensure and maintain a reliable supply of electrical energy and be
30 equivalent to or superior to the performance, safety, and protection
31 of life, health, and general welfare standards contained in Title 24
32 of the California Code of Regulations. The commission shall
33 consult with the members of the coordinating council as established
34 in Section 18926 of the Health and Safety Code in the development
35 of these standards.

36 (b) (1) Prescribe, by regulation, energy and water conservation
37 design standards for new residential and new nonresidential
38 buildings. The standards shall be performance standards and shall
39 be promulgated in terms of energy consumption per gross square
40 foot of floorspace, but may also include devices, systems, and

1 techniques required to conserve energy and water. The commission
2 shall periodically review the standards and adopt any revision that,
3 in its judgment, it deems necessary. A building that satisfies the
4 standards prescribed pursuant to this subdivision need not comply
5 with the standards prescribed pursuant to subdivision (a). Water
6 conservation design standards adopted pursuant to this subdivision
7 shall be demonstrated by the commission to be necessary to save
8 energy. Prior to adopting a water conservation design standard for
9 residential buildings, the Department of Housing and Community
10 Development and the commission shall issue a joint finding
11 whether the standard (A) is equivalent or superior in performance,
12 safety, and for the protection of life, health, and general welfare
13 to standards in the California Building Standards Code and (B)
14 does not unreasonably or unnecessarily impact the ability of
15 Californians to purchase or rent affordable housing, as determined
16 by taking account of the overall benefit derived from the water
17 conservation design standards. ~~Nothing in this subdivision in any~~
18 ~~way reduces~~ *This subdivision does not in any way reduce* the
19 authority of the Department of Housing and Community
20 Development to adopt standards and regulations pursuant to Part
21 1.5 (commencing with Section 17910) of Division 13 of the Health
22 and Safety Code.

23 (2) In order to increase public participation and improve the
24 efficacy of the standards adopted pursuant to subdivisions (a) and
25 (b), the commission shall, prior to publication of the notice of
26 proposed action required by Section 18935 of the Health and Safety
27 Code, involve parties who would be subject to the proposed
28 regulations in public meetings regarding the proposed regulations.
29 All potential affected parties shall be provided advance notice of
30 these meetings and given an opportunity to provide written or oral
31 comments. During these public meetings, the commission shall
32 receive and take into consideration input from all parties
33 concerning the parties' design recommendations, cost
34 considerations, and other factors that would affect consumers and
35 California businesses of the proposed standard. The commission
36 shall take into consideration prior to the start of the notice of
37 proposed action any input provided during these public meetings.

38 (3) The standards adopted or revised pursuant to subdivisions
39 (a) and (b) shall be cost-effective when taken in their entirety and
40 when amortized over the economic life of the structure compared

1 with historic practice. When determining cost-effectiveness, the
2 commission shall consider the value of the water or energy saved,
3 impact on product efficacy for the consumer, and the life cycle
4 cost of complying with the standard. The commission shall consider
5 other relevant factors, as required by Sections 18930 and 18935
6 of the Health and Safety Code, including, but not limited to, the
7 impact on housing costs, the total statewide costs and benefits of
8 the standard over its lifetime, economic impact on California
9 businesses, and alternative approaches and their associated costs.

10 (c) (1) (A) Prescribe, by regulation, standards for minimum
11 levels of operating efficiency, based on a reasonable use pattern,
12 and may prescribe other cost-effective measures, including
13 incentive programs, fleet averaging, energy and water consumption
14 labeling not preempted by federal labeling law, and consumer
15 education programs, to promote the use of energy and water
16 efficient appliances whose use, as determined by the commission,
17 requires a significant amount of energy or water on a statewide
18 basis. The minimum levels of operating efficiency shall be based
19 on feasible and attainable efficiencies or feasible improved
20 efficiencies that will reduce the energy or water consumption
21 growth rates. The standards shall become effective no sooner than
22 one year after the date of adoption or revision. ~~No~~ A new appliance
23 manufactured on or after the effective date of the standards ~~may~~
24 *shall not* be sold or offered for sale in the state, unless it is certified
25 by the manufacturer ~~thereof~~ *of the appliance* to be in compliance
26 with the standards. The standards shall be drawn so that they do
27 not result in any added total costs for consumers over the designed
28 life of the appliances concerned.

29 ~~In~~

30 (B) *In* order to increase public participation and improve the
31 efficacy of the standards adopted pursuant to this subdivision, the
32 commission shall, prior to publication of the notice of proposed
33 action required by Section 18935 of the Health and Safety Code,
34 involve parties who would be subject to the proposed regulations
35 in public meetings regarding the proposed regulations. All potential
36 affected parties shall be provided advance notice of these meetings
37 and given an opportunity to provide written or oral comments.
38 During these public meetings, the commission shall receive and
39 take into consideration input from all parties concerning the parties'
40 design recommendations, cost considerations, and other factors

1 that would affect consumers and California businesses of the
2 proposed standard. The commission shall take into consideration
3 prior to the start of the notice of proposed action any input provided
4 during these public meetings.

5 ~~The~~

6 (C) *The* standards adopted or revised pursuant to this subdivision
7 shall not result in any added total costs for consumers over the
8 designed life of the appliances concerned. When determining
9 cost-effectiveness, the commission shall consider the value of the
10 water or energy saved, impact on product efficacy for the
11 consumer, and the life cycle cost to the consumer of complying
12 with the standard. The commission shall consider other relevant
13 factors, as required by Sections 11346.5 and 11357 of the
14 Government Code, including, but not limited to, the impact on
15 housing costs, the total statewide costs and benefits of the standard
16 over its lifetime, economic impact on California businesses, and
17 alternative approaches and their associated costs.

18 (2) ~~No~~ A new appliance, except for ~~any~~ a plumbing fitting,
19 regulated under paragraph (1), that is manufactured on or after
20 July 1, 1984, ~~may~~ *shall not* be sold, or offered for sale, in the state,
21 unless the date of the manufacture is permanently displayed in an
22 accessible place on that appliance.

23 (3) During the period of five years after the commission has
24 adopted a standard for a particular appliance under paragraph (1),
25 ~~no~~ *an* increase or decrease in the minimum level of operating
26 efficiency required by the standard for that appliance shall *not*
27 become effective, unless the commission adopts other cost-effective
28 measures for that appliance.

29 (4) Neither the commission nor any other state agency shall
30 take any action to decrease any standard adopted under this
31 subdivision on or before June 30, 1985, prescribing minimum
32 levels of operating efficiency or other energy conservation
33 measures for any appliance, unless the commission finds by a
34 four-fifths vote that a decrease is of benefit to ratepayers, and that
35 there is significant evidence of changed circumstances. Before
36 January 1, 1986, the commission shall not take any action to
37 increase a standard prescribing minimum levels of operating
38 efficiency for any appliance or adopt a new standard under
39 paragraph (1). Before January 1, 1986, any appliance manufacturer
40 doing business in this state shall provide directly, or through an

1 appropriate trade or industry association, information, as specified
2 by the commission after consultation with manufacturers doing
3 business in the state and appropriate trade or industry associations
4 on sales of appliances so that the commission may study the effects
5 of regulations on those sales. These informational requirements
6 shall remain in effect until the information is received. The trade
7 or industry association may submit sales information in an
8 aggregated form in a manner that allows the commission to carry
9 out the purposes of the study. The commission shall treat any sales
10 information of an individual manufacturer as confidential and that
11 information shall not be a public record. The commission shall not
12 request any information that cannot be reasonably produced in the
13 exercise of due diligence by the manufacturer. At least one year
14 prior to the adoption or amendment of a standard for an appliance,
15 the commission shall notify the Legislature of its intent, and the
16 justification to adopt or amend a standard for the appliance.
17 Notwithstanding paragraph (3) and this paragraph, the commission
18 may do any of the following:

19 (A) Increase the minimum level of operating efficiency in an
20 existing standard up to the level of the National Voluntary
21 Consensus Standards 90, adopted by the American Society of
22 Heating, Refrigeration, and ~~Air-Conditioning~~ *Air-Conditioning*
23 Engineers or, for appliances not covered by that standard, up to
24 the level established in a similar nationwide consensus standard.

25 (B) Change the measure or rating of efficiency of any standard,
26 if the minimum level of operating efficiency remains substantially
27 the same.

28 (C) Adjust the minimum level of operating efficiency in an
29 existing standard in order to reflect changes in test procedures that
30 the standards require manufacturers to use in certifying compliance,
31 if the minimum level of operating efficiency remains substantially
32 the same.

33 (D) Readopt a standard preempted, enjoined, or otherwise found
34 legally defective by an administrative agency or a lower court, if
35 final legal action determines that the standard is valid and if the
36 standard that is readopted is not more stringent than the standard
37 that was found to be defective or preempted.

38 (E) Adopt or amend any existing or new standard at any level
39 of operating efficiency, if the Governor has declared an energy
40 emergency as described in Section 8558 of the Government Code.

1 (5) Notwithstanding paragraph (4), the commission may adopt
2 standards pursuant to Commission Order No. 84-0111-1, on or
3 before June 30, 1985.

4 (d) (1) Recommend minimum standards of efficiency for the
5 operation of ~~any~~ a new facility at a particular site that are
6 technically and economically feasible. ~~No~~ A site and related facility
7 shall *not* be certified pursuant to Chapter 6 (commencing with
8 Section 25500), unless the applicant certifies that standards
9 recommended by the commission have been considered, which
10 certification shall include a statement specifying the extent to
11 which conformance with the recommended standards will be
12 achieved.

13 ~~Whenever~~

14 (2) *Whenever* this section and Chapter 11.5 (commencing with
15 Section 19878) of Part 3 of Division 13 of the Health and Safety
16 Code are in conflict, the commission shall be governed by that
17 chapter of the Health and Safety Code to the extent of the conflict.

18 (e) The commission shall do all of the following:

19 (1) Not later than January 1, 2004, amend any regulations in
20 effect on January 1, 2003, pertaining to the energy efficiency
21 standards for residential clothes washers to require that residential
22 clothes washers manufactured on or after January 1, 2007, be at
23 least as water efficient as commercial clothes washers.

24 (2) Not later than April 1, 2004, petition the federal Department
25 of Energy for an exemption from any relevant federal regulations
26 governing energy efficiency standards that are applicable to
27 residential clothes washers.

28 (3) Not later than January 1, 2005, report to the Legislature on
29 its progress with respect to the requirements of paragraphs (1) and
30 (2).