

Subtitle 26 MARYLAND ENERGY ADMINISTRATION

14.26.03 Maryland [Energy] Efficiency Standards

Authority: State Government Article, §9-2006, Annotated Code of Maryland

Notice of Proposed Action

[24-059-P]

The Maryland Energy Administration proposes to amend Regulations .01, .03—.06 and .08—.13, repeal existing Regulation .02, and adopt new Regulation .02 under COMAR 14.26.03 Maryland Efficiency Standards.

Statement of Purpose

The purpose of this action is to implement the Maryland Efficiency Standards Act by establishing minimum efficiency standards for certain new products sold or installed in the State and to establish testing, certification, inspection, and enforcement procedures for ensuring compliance with established standards.

Estimate of Economic Impact

I. Summary of Economic Impact. In FY25 expenditures will increase by \$150,000 to initiate compliance procedures within the agency.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
Maryland Energy Administration	(E+)	150000
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. Agency expenditures increase for the purposes of enforcing compliance and providing access to an appliance efficiency database and for outreach efforts.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows:

Small businesses will be limited in the supply of certain retail items available from wholesale and for resale. Impacts are mitigated by an allowance for business owners to retain any stock on hand prior to the effective date of the relevant efficiency standards.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Landon Fahrig, Asst. Div. Dir. of Policy, Maryland Energy Administration, 1800 Washington Blvd., Suite 755, Baltimore, MD 21230, or call 410-537-4000, or email to SEIFComments.MEA@Maryland.gov. Comments will be accepted through September 23, 2024. A public hearing has not been scheduled.

.01 Purpose.

This chapter:

- A. Implements the Maryland [Energy] Efficiency Standards Act [(Act)] by establishing minimum efficiency standards for certain new products sold or installed in the State; and
- B. Establishes testing, certification, inspection, and enforcement procedures for [insuring] ensuring compliance with established standards[; and
- C. Identifies the date on which these regulations will be preempted by the federal Energy Policy Act of 2005].

.02 Incorporation by Reference.

In this chapter, the following documents are incorporated by reference:

- A. 42 U.S.C. §6294a;
- B. 42 U.S.C. §6294b;
- C. 10 CFR Part 430, Subpart B, Appendix S; and
- D. 10 CFR Part 430, Subpart C.

.03 Definitions.

- A.(text unchanged)

B. Terms Defined.

- (1) "Act" means the [Energy] *Maryland* Efficiency Standards Act.
- (2) (text unchanged)
- [(3) Commercial Refrigeration Cabinet.
 - (a) "Commercial refrigeration cabinet" means a refrigerator, freezer, or refrigerator-freezer, designed by the manufacturer for the purpose of storing food products, ice, or other perishable items at specified temperatures, which may be configured with either solid or transparent doors as a:
 - (i) Reach-in cabinet;
 - (ii) Pass-through cabinet;
 - (iii) Roll-in cabinet; or
 - (iv) Roll-through cabinet.
 - (b) "Commercial refrigeration cabinet" does not include a:
 - (i) Product with 85 cubic feet or more of internal volume;
 - (ii) Walk-in refrigerator or walk-in freezer;
 - (iii) Consumer product regulated under the National Appliance Energy Conservation Act of 1987 (Public Law 100-12); or
 - (iv) Refrigerator, freezer, or refrigerator-freezer designed and marketed exclusively for medical, scientific, or research purposes.
- (4) "Distributor of new products" means a person:
 - (a) Whose primary business is the wholesale distribution of commercial goods for resale;
 - (b) Who maintains an inventory of commercial goods for resale;
 - (c) Who has the right to sell or distribute commercial goods in Maryland for resale to retailers or other resellers or to an industrial or commercial manufacturer; and
 - (d) Who conducts substantial business in Maryland.
- (5) "Installer" means a person engaged in the attachment of a product that the installer has either purchased or been contracted to attach to a structure by means of the electrical, plumbing, or ventilation systems.
- (6) "Large packaged air-conditioning equipment" means packaged air-conditioning equipment with at least 20 tons, but not more than 80 tons, of cooling capacity.
- (7) Low-Voltage Dry-Type Distribution Transformer.
 - (a) "Low-voltage dry-type distribution transformer" means a distribution transformer that:
 - (i) Has an input voltage of 600 volts or less;
 - (ii) Is air-cooled; and
 - (iii) Does not use oil as a coolant.
 - (b) "Low-voltage dry-type distribution transformer" does not include any of the following transformers:
 - (i) An autotransformer 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;
 - (ii) A drive transformer designed only to provide power to operate an electronic variable speed motor drive;
 - (iii) A grounding transformer designed only to provide a system ground reference point;
 - (iv) 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;
 - (v) An impedance transformer that has a specified impedance of less than 4 percent or greater than 8 percent;
 - (vi) A machine tool transformer designed only to provide power to machine tool equipment;
 - (vii) 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 root mean square (rms) power rating;
 - (viii) A regulating transformer with automatic tap changers;
 - (ix) A sealed and nonventilating transformer designed to prevent airflow through the transformer;
 - (x) A testing transformer designed only as part of, or to supply power to, electrical test equipment;
 - (xi) A ups transformer designed only as an integral part of an uninterruptible power system; or
 - (xii) A welding transformer designed only to provide power to welding equipment.
- (8) "Manufacturer of new product" means a person who makes new products by hand or machinery.
- (9) "Maryland business" means a corporation organized under the laws of the State.
- (10) "Maryland consumer" means an individual who:
 - (a) Is solicited to purchase, or who purchases for personal, family, or household purposes; and
 - (b) Resides in Maryland.
- (11) "New product" means any manufactured good at the time when it is sold for consumption or use other than resale, further processing, or manufacture for the first time.
- (12) "Packaged air-conditioning equipment" means air-conditioning equipment that is built as a package and shipped as a whole to end-user sites.
- (13) "Pass-through cabinet" means a commercial refrigerator or commercial freezer with hinged or sliding doors on both the front and rear of the refrigerator or freezer.
- (14) Reach-in cabinet.
 - (a) "Reach-in cabinet" means a commercial refrigerator, freezer, or refrigerator-freezer with hinged or sliding doors or lids.
 - (b) "Reach-in cabinet" does not include a roll-in or roll-through cabinet or a pass-through cabinet.
- (15) "Retailer" means a person engaged in the business of making retail sales within the State.
- (16) "Roll-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors that allow wheeled racks of product to be rolled into the refrigerator or freezer.
- (17) "Roll-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors that allows wheeled racks of product to be rolled through the refrigerator or freezer.

(18) “Transformer” means a device consisting essentially of two or more coils of insulated wire that transfers alternating current by electromagnetic induction from one coil to another in order to change the original voltage or current value.

(19) Unit Heater.

(a) “Unit heater” means a self-contained fan-type heater that:

(i) Is designed to be installed within the heated space; and

(ii) 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.

(b) “Unit heater” does not include a warm air furnace as defined under the Federal Energy Policy Act of 1992 (42 U.S.C. § 6311(1)(a)).

(20) “Widely available in Maryland” means a conforming product available in the State from three or more manufacturers.]

(3) “Air purifier” means an air cleaner subject to 10 CFR Part 430, Subpart C.

(4) “Commercial dishwasher” has the meaning stated in State Government Article, §9-2006, Annotated Code of Maryland.

(5) “Commercial steam cooker” or “compartment steamer” has the meaning stated in State Government Article, §9-2006, Annotated Code of Maryland.

(6) “Covered product” means an item listed in Regulation .04 of this chapter.

(7) “ENERGY STAR” means the U.S. Environmental Protection Agency program established under 42 U.S.C. §6294a.

(8) “Faucet” has the meaning stated in State Government Article, §9-2006, Annotated Code of Maryland.

(9) “Person” has the meaning stated in State Government Article, §1-101, Annotated Code of Maryland.

(10) “Portable electric spa” has the meaning stated in State Government Article, §9-2006, Annotated Code of Maryland.

(11) “Public lavatory faucet” has the meaning stated in State Government Article, §9-2006, Annotated Code of Maryland.

(12) “Replacement aerator” means an aerator that is:

(a) Designed as a replacement part for a faucet; and

(b) Packaged and sold separately from a faucet to which it is designed to attach.

(13) Residential Ventilating Fan.

(a) “Residential ventilating fan” means a fan designed to:

(i) Be ceiling mounted, wall mounted, or remotely mounted; and

(ii) Move air from inside a building to the outdoors.

(b) “Residential ventilating fan” includes fans commonly used in a bathroom or utility room to expel odors or fumes.

(14) “Retailer” has the meaning stated in State Government Article, §9-2006, Annotated Code of Maryland.

(15) “Showerhead” has the meaning stated in State Government Article, §9-2006, Annotated Code of Maryland.

(16) “Spray sprinkler body” has the meaning stated in State Government Article, §9-2006, Annotated Code of Maryland.

(17) “Urinal” has the meaning stated in State Government Article, §9-2006, Annotated Code of Maryland.

(18) “Water closet” has the meaning stated in State Government Article, §9-2006, Annotated Code of Maryland.

(19) “Water cooler” has the meaning stated in State Government Article, §9-2006, Annotated Code of Maryland.

(20) “WaterSense” means the U.S. Environmental Protection Agency program established under 42 U.S.C. §6294b.

(21) “Widely available in Maryland” has the meaning stated in State Government Article, §9-2006, Annotated Code of Maryland.

.04 Applicability of Standards.

A. This chapter applies to the testing, certification, and enforcement of efficiency standards for the following types of new products sold, offered for sale, or installed for profit in the State:

[(1) Unit heaters;

(2) Low-voltage dry-type distribution transformers;

(3) Commercial refrigeration cabinets; and

(4) Large packaged air-conditioning equipment.]

(1) Portable electric spas;

(2) Air purifiers;

(3) Commercial dishwashers;

(4) Commercial steam cookers;

(5) Faucets;

(6) Residential ventilating fans;

(7) Showerheads;

(8) Spray sprinkler bodies;

(9) Urinals;

(10) Water closets; and

(11) Water coolers.

B. This chapter does not apply to:

(1)—(2) (text unchanged)

(3) Products installed in mobile manufactured homes at the time of construction; [or]

(4) Products designed expressly for installation and use in recreational vehicles or marine vessels; or

(5) Products to be sold at retail that are in stock at the retail establishment before the effective date of any efficiency standard regulation for that item.

[C. This chapter only applies to the following products until the following dates:

(1) Unit heaters: August 1, 2008;

(2) Low-voltage dry-type distribution transformers: January 1, 2007;

(3) Commercial refrigeration cabinets: January 1, 2010;

(4) Large packaged air-conditioning equipment of at least 20 tons and not more than 63.3 tons of cooling capacity: January 1, 2010.

D. For large packaged air-conditioning equipment with capacities from 63.4 tons to 80 tons of cooling capacity, the Act will remain in effect.]

.05 Minimum Efficiency Standards.

A. On or after the date specified in Regulation .06 of this chapter, a person may not sell or install *for profit* a [listed] *covered* product that does not meet or exceed the *corresponding* minimum efficiency standards listed in this regulation.

[B. Unit heaters shall be equipped with an intermittent ignition device and shall have either power venting or an automatic flue damper.

C. The efficiency of all low-voltage dry-type distribution transformers may not be less than the values shown in table 4-2 of National Electrical Manufacturers Association Standard TP-1-2002.

D. Commercial refrigeration cabinets shall meet the requirements shown in the following table:

Equipment Type	Maximum Daily Energy Consumption (kilowatt hours)
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are refrigerators with solid doors	0.125V + 2.76
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are refrigerators with transparent doors	0.172V + 4.77
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are freezers with solid doors	0.398V + 2.28
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are freezers with transparent doors	0.940V + 5.10
Reach-in cabinets that are refrigerator-freezers With solid doors	0.273AV + 1.65
Where: V = total volume in cubic feet; and AV = adjusted volume, which is the sum of the volume of refrigerated space, and 1.63 times the volume of freezer space.	

E. Large packaged air-conditioning equipment shall meet the Tier II requirements of the “minimum equipment efficiencies for unitary commercial air conditioners” or “minimum equipment efficiencies for heat pumps”, as appropriate, developed by the Consortium for Energy Efficiency, Boston, Massachusetts, as in effect on January 1, 2002.]

B. Air purifiers shall comply with federal standards for air cleaners under 10 CFR Part 430, Subpart C.

C. Commercial dishwashers shall meet the applicable qualification criteria specified in the ENERGY STAR program requirements product specification for commercial dishwashers.

D. Commercial steam cookers shall meet the requirements specified in the ENERGY STAR program requirements product specification for commercial steam cookers.

E. Faucets shall meet the following standards when tested in accordance with 10 CFR Part 430, Subpart B, Appendix S, compliance with which shall be verified by using the uniform test method for measuring the water consumption of faucets and showerheads:

(1) Private lavatory faucets and replacement aerators may not exceed a maximum flow rate of 1.5 gallons per minute at 60 pounds per square inch;

(2) Residential kitchen faucets and replacement aerators may not exceed a maximum flow rate of 1.8 gallons per minute at 60 pounds per square inch, with optional temporary flow of 2.2 gallons per minute, provided the faucet defaults to a maximum flow rate of 1.8 gallons per minute at 60 pounds per square inch after each use; and

(3) Public lavatory faucets and replacement aerators may not exceed a maximum flow rate of 0.5 gallons per minute at 60 pounds per square inch.

F. Portable electric spas shall meet the requirements of the ANSI/ASPS/ICC 14-2019.

G. Residential ventilating fans shall meet the following requirements when tested in accordance with the Home Ventilation Institute’s airflow test procedure stated in Home Ventilation Institute Publication 916:

(1) In-line residential ventilating fans shall be equipped with a fan motor with an efficiency of at least 2.8 cubic feet per minute per watt; and

(2) Non-in-line residential ventilating fans shall be equipped with a fan motor with an efficiency of at least 1.4 cubic feet per minute per watt for airflows less than 90 cubic feet per minute and at least 2.8 cubic feet per minute per watt for airflows greater than or equal to 90 cubic feet per minute.

H. Showerheads may not exceed a maximum flow rate of 2.0 gallons per minute at 80 pounds per square inch when tested in accordance with 10 CFR Part 430, Subpart B, Appendix S, compliance with which shall be verified by using the uniform test method for measuring the water consumption of faucets and showerheads.

I. Spray sprinkler bodies that are not specifically excluded from the scope of the WaterSense specification for spray sprinkler bodies shall include an integral pressure regulator and meet the water efficiency, performance criteria, and other requirements specified in the WaterSense specification for spray sprinkler bodies.

J. Urinals shall have a maximum flush volume of 0.5 gallons per flush when tested in accordance with 10 CFR Part 430, Subpart B, Appendix T, compliance with which shall be verified by using the uniform test method for measuring the water consumption of water closets and urinals.

K. Water closets shall meet the following standards when tested in accordance with 10 CFR Part 430, Subpart B, Appendix T, compliance with which shall be verified by using the uniform test method for measuring the water consumption of water closets and urinals:

(1) Subject to §K(2) of this regulation, water closets shall have a maximum flush volume of 1.28 gallons per flush; and

(2) Dual-flush tank-type water closets shall have a maximum dual-flush effective volume of 1.28 gallons per flush.

L. Water coolers included in the scope of the ENERGY STAR program’s water coolers specification shall have an on mode with no water draw energy consumption that is less than or equal to the following values as measured in accordance with the on mode with no water draw test mode specified in the water coolers specification:

(1) 0.16 kilowatt-hours per day for cold only units and cook and cold units;

(2) 0.87 kilowatt-hours per day for storage type hot and cold units; and

(3) 0.18 kilowatt-hours per day for on-demand hot and cold units.

.06 Effective Dates for *Minimum Efficiency Standards* [Requirement].

A. The effective date for efficiency standards for *covered* products sold or offered for sale in the State [and subject to Regulation .04A of this chapter is as follows:

- (1) Unit heaters: September 1, 2005;
- (2) Low-voltage dry-type distribution transformers: March 1, 2005;
- (3) Commercial refrigeration cabinets: August 1, 2005;
- (4) Large packaged air-conditioning equipment: August 1, 2005] *is January 1, 2024.*

B. A *covered* product [subject to Regulation .04A of this chapter] *that does not meet or exceed the corresponding minimum efficiency standards listed in this regulation may not be installed for profit after January 1, [2006] 2025.*

.08 Testing Procedures.

[The manufacturer of a product for which certification is required shall test each model of each product required under Regulation .04 of this chapter consistent with the testing standards established by the federal government in accordance with the requirements of the Energy Policy Act of 2005] *A covered product shall be tested in accordance with the requirements of Regulation .05 of this chapter.*

.09 Manufacturers' Certification of New Products.

[A. Before the effective date of the applicable standard specified in Regulation .06 of this chapter and before a new product listed in Regulation .04 of this chapter may be sold in Maryland, a manufacturer of the new product shall certify to the Administration that the product is in compliance with the performance standard in Regulation .05 of this chapter.]

A covered product may not be sold in the State on or after its respective minimum efficiency standard effective date unless:

- (1) *The Administration has accepted a certification provided by the manufacturer of the covered product demonstrating the covered product meets or exceeds its respective minimum efficiency standard under Regulation .05 of this chapter; or*
- (2) *Efficiency of a covered product can be verified by an alternative method, including via the:*
 - (a) *California Energy Commission Modernized Appliance Efficiency Database System;*
 - (b) *Northeast Energy Efficiency Partnerships State Appliance Standards Database;*
 - (c) *Federal ENERGY STAR program;*
 - (d) *Federal WaterSense Program; or*
 - (e) *Use of another official state database or other nationally recognized database.*

B. The [manufacturer shall file] *certification required under §A(1) of this regulation shall be filed* with the Administration [a statement] *stating that each covered product that is sold or offered for sale in Maryland complies with the requirements of the [Energy] Efficiency Standards Act. [The statement shall contain all the information described in §§D and E of this regulation and shall meet all the requirements of §C of this regulation and all other applicable requirements.*

[C. General Rules.

(1) *Format and Categories.* Each statement shall be in a format and in categories specified and made publicly available by the Administration. Specific information on these formats and categories may be obtained from the Administration.

(2) *When Different Statements are Required.*

D. *Manufacturer Information.* The statement shall contain the name, address, telephone number, fax number, and email address of the individual to contact concerning the statement.

E. *Testing and Performance Information.*

(1) *The statement shall verify that each product has been tested in accordance with all applicable requirements.*

(2) *The statement shall contain the name, address, telephone number, fax number, website address, and email address of the laboratory or other institution where the testing was performed.*

(3) *Proof of testing pursuant to another state's certification program is acceptable to the Administration for this requirement if the other state's standards and requirements are substantially the same as this chapter. The Administration may request copies of materials related to this testing.*

F. Any manufacturer that has certified a product to another state or to the federal Energy Star Program may provide the Administration with a copy of the certification that the manufacturer made to the other state or agency in place of a separate certification, if:

(1) *The other state's standards or the Energy Star specifications are equivalent to or more stringent than the standards of Maryland; and*

(2) *All information required under §§D and E of this regulation is included in the certification.]*

C. *The certification required under §A(1) of this regulation shall:*

(1) *Be in a format and in categories specified and made publicly available by the Administration;*

(2) *Verify that each product has been tested in accordance with all applicable requirements and specify the standard by which the product has been tested;*

(3) *Contain the name, address, telephone number, website address, and email address of the laboratory or other institution where the testing was performed;*

(4) *Contain the name, address, telephone number, and email address of the individual to contact concerning the statement; and*

(5) *Meet all other applicable requirements.*

D. *The Administration may establish, modify, and enforce schedules for the submittal of statements for the orderly processing of submittals.*

.10 Product Verification Testing by the Administration.

A. To ensure compliance with adopted standards, the Administration may test [products listed in Regulation .04 of this chapter] *a covered product to verify compliance with its applicable minimum efficiency standard.*

B. If [the] *a covered* product tested is [not] found to be [in] *out of* compliance with [the] *its applicable* minimum efficiency standards [established under Regulation .05 of this chapter], the Administration shall:

(1) (text unchanged)

(2) *Make information available to the public on products found [not] to be [in] out of compliance with the standards by appropriate means.*

.11 Labeling.

[A. Manufacturers of new products listed in Regulation .04 of this chapter shall identify each product offered for sale or installation, through retailers, in Maryland as being in compliance with the minimum efficiency standards established under Regulation .05 of this chapter by means of a mark, label, or tag consisting of the letter “M” within a circle not less than 1/2 inch in diameter on the product or packaging at the time of sale or installation. The mark, label or tag shall consist of the letter “M” within a circle. The circle may not be less than 1/2 inch in diameter.

B. Labels may be permanently affixed or may be temporary or removable labels of any kind including hanging labels.

C. All display models of products shall be displayed with a mark, label, or tag on the product.

D. Manufacturers offering products for sale or installation in Maryland are not required to place a mark, label, or tag on a covered product, if a mark is already on the product or packaging that reflects that the product meets an efficiency standard at least equal to the one required by the Act.

E. If a national efficiency standard is established by Federal law or regulation for a product, this labeling requirement does not apply to that product.]

A. Once a manufacturer has certified a new product as outlined in Regulation .09 of this chapter, a manufacturer may mark, label, or tag the product or packaging as meeting the relevant minimum efficiency level outlined in Regulation .04 of this chapter.

B. The mark, label, or tag shall consist of the letter “M” within a circle no less than 3/8 inch in diameter.

.12 Inspection and Enforcement.

A.—C. (text unchanged)

D. The Administration may set up a process for receiving complaints concerning potential violations of Regulation .05 of this chapter.

.13 Fines for Noncompliance.

A. The Administration may investigate complaints received concerning *potential* violations of Regulation .05 of this chapter and shall report the results of an investigation to the Attorney General.

B.—E. (text unchanged)