To amend the Energy Policy and Conservation Act to provide a uniform efficiency descriptor for covered water heaters.

IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 5), 2011

Mr. KOHL (for himself, Mr. CORKER, Mr. ALEXANDER, and Mr. PRYOR) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Energy Policy and Conservation Act to provide a uniform efficiency descriptor for covered water heaters.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Water Heater Rating Improvement Act of 2011”.

SEC. 2. UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.

Section 325(e) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)) is amended by adding at the end the following:
"(5) Uniform efficiency descriptor for covered water heaters.—

"(A) Definitions.—In this paragraph:

"(i) Covered water heater.—The term ‘covered water heater’ means—

"(I) a water heater; and

"(II) a storage water heater, instantaneous water heater, and unfired water storage tank (as defined in section 340).

"(ii) Final rule.—The term ‘final rule’ means the final rule published under this paragraph.

"(B) Publication of final rule.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters.

"(C) Purpose.—The purpose of the final rule shall be to replace with a uniform efficiency descriptor—

"(i) the energy factor descriptor for water heaters established under this subsection; and
“(ii) the thermal efficiency and stand-by loss descriptors for storage water heaters, instantaneous water heaters, and unfired water storage tanks established under section 342(a)(5).

“(D) EFFECT OF FINAL RULE.—

“(i) IN GENERAL.—Notwithstanding any other provision of this title, effective beginning on the effective date of the final rule, the efficiency standard for covered water heaters shall be denominated according to the efficiency descriptor established by the final rule.

“(ii) EFFECTIVE DATE.—The final rule shall take effect 1 year after the date of publication of the final rule under subparagraph (B).

“(E) CONVERSION FACTOR.—

“(i) IN GENERAL.—The Secretary shall develop a mathematical conversion factor for converting the measurement of efficiency for covered water heaters from the test procedures in effect on the date of enactment of this paragraph to the new
energy descriptor established under the final rule.

“(ii) APPLICATION.—The conversion factor shall apply to models of covered water heaters affected by the final rule and tested prior to the effective date of the final rule.

“(iii) EFFECT ON EFFICIENCY REQUIREMENTS.—The conversion factor shall not affect the minimum efficiency requirements for covered water heaters otherwise established under this title.

“(iv) USE.—During the period described in clause (v), a manufacturer may apply the conversion factor established by the Secretary to rerate existing models of covered water heaters that are in existence prior to the effective date of the rule described in clause (v)(II) to comply with the new efficiency descriptor.

“(v) PERIOD.—Subclause (E) shall apply during the period—

“(I) beginning on the date of publication of the conversion factor in the Federal Register; and
“(II) ending on April 16, 2015.

“(F) EXCLUSIONS.—The final rule may exclude a specific category of covered water heaters from the uniform efficiency descriptor established under this paragraph if the Secretary determines that the category of water heaters—

“(i) does not have a residential use and can be clearly described in the final rule; and

“(ii) are effectively rated using the thermal efficiency and standby loss descriptors applied (as of the date of enactment of this paragraph) to the category under section 342(a)(5).

“(G) OPTIONS.—The descriptor set by the final rule may be—

“(i) a revised version of the energy factor descriptor in use as of the date of enactment of this paragraph;

“(ii) the thermal efficiency and standby loss descriptors in use as of that date;

“(iii) a revised version of the thermal efficiency and standby loss descriptors;

“(iv) a hybrid of descriptors; or
“(v) a new approach.

“(H) APPLICATION.—The efficiency descriptor and accompanying test method established under the final rule shall apply, to the maximum extent practicable, to all water heating technologies in use as of the date of enactment of this paragraph and to future water heating technologies.

“(I) PARTICIPATION.—The Secretary shall invite interested stakeholders to participate in the rulemaking process used to establish the final rule.

“(J) TESTING OF ALTERNATIVE DESCRIPTORS.—In establishing the final rule, the Secretary shall contract with the National Institute of Standards and Technology, as necessary, to conduct testing and simulation of alternative descriptors identified for consideration.

“(K) EXISTING COVERED WATER HEATERS.—A covered water heater shall be considered to comply with the final rule on and after the effective date of the final rule and with any revised labeling requirements established by the
Federal Trade Commission to carry out the final rule if the covered water heater—

“(i) was manufactured prior to the effective date of the final rule; and

“(ii) complied with the efficiency standards and labeling requirements in effect prior to the final rule.”.