

112TH CONGRESS
1ST SESSION

S. 156

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED**
7 **WATER HEATERS.**

8 Section 325(e) of the Energy Policy and Conservation
9 Act (42 U.S.C. 6295(e)) is amended by adding at the end
10 the following:

1 “(5) UNIFORM EFFICIENCY DESCRIPTOR FOR
2 COVERED WATER HEATERS.—

3 “(A) DEFINITIONS.—In this paragraph:

4 “(i) COVERED WATER HEATER.—The
5 term ‘covered water heater’ means—

6 “(I) a water heater; and

7 “(II) a storage water heater, in-
8 stantaneous water heater, and unfired
9 water storage tank (as defined in sec-
10 tion 340).

11 “(ii) FINAL RULE.—The term ‘final
12 rule’ means the final rule published under
13 this paragraph.

14 “(B) PUBLICATION OF FINAL RULE.—Not
15 later than 180 days after the date of enactment
16 of this paragraph, the Secretary shall publish a
17 final rule that establishes a uniform efficiency
18 descriptor and accompanying test methods for
19 covered water heaters.

20 “(C) PURPOSE.—The purpose of the final
21 rule shall be to replace with a uniform effi-
22 ciency descriptor—

23 “(i) the energy factor descriptor for
24 water heaters established under this sub-
25 section; and

1 “(ii) the thermal efficiency and stand-
2 by loss descriptors for storage water heat-
3 ers, instantaneous water heaters, and
4 unfired water storage tanks established
5 under section 342(a)(5).

6 “(D) EFFECT OF FINAL RULE.—

7 “(i) IN GENERAL.—Notwithstanding
8 any other provision of this title, effective
9 beginning on the effective date of the final
10 rule, the efficiency standard for covered
11 water heaters shall be denominated accord-
12 ing to the efficiency descriptor established
13 by the final rule.

14 “(ii) EFFECTIVE DATE.—The final
15 rule shall take effect 1 year after the date
16 of publication of the final rule under sub-
17 paragraph (B).

18 “(E) CONVERSION FACTOR.—

19 “(i) IN GENERAL.—The Secretary
20 shall develop a mathematical conversion
21 factor for converting the measurement of
22 efficiency for covered water heaters from
23 the test procedures in effect on the date of
24 enactment of this paragraph to the new

1 energy descriptor established under the
2 final rule.

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

8 “(iii) EFFECT ON EFFICIENCY RE-
9 QUIREMENTS.—The conversion factor shall
10 not affect the minimum efficiency require-
11 ments for covered water heaters otherwise
12 established under this title.

13 “(iv) USE.—During the period de-
14 scribed in clause (v), a manufacturer may
15 apply the conversion factor established by
16 the Secretary to rerate existing models of
17 covered water heaters that are in existence
18 prior to the effective date of the rule de-
19 scribed in clause (v)(II) to comply with the
20 new efficiency descriptor.

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

23 “(I) beginning on the date of
24 publication of the conversion factor in
25 the Federal Register; and

1 “(II) ending on April 16, 2015.

2 “(F) EXCLUSIONS.—The final rule may
3 exclude a specific category of covered water
4 heaters from the uniform efficiency descriptor
5 established under this paragraph if the Sec-
6 retary determines that the category of water
7 heaters—

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

11 “(ii) are effectively rated using the
12 thermal efficiency and standby loss
13 descriptors applied (as of the date of en-
14 actment of this paragraph) to the category
15 under section 342(a)(5).

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

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

21 “(ii) the thermal efficiency and stand-
22 by loss descriptors in use as of that date;

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

25 “(iv) a hybrid of descriptors; or

1 “(v) a new approach.

2 “(H) APPLICATION.—The efficiency
3 descriptor and accompanying test method estab-
4 lished under the final rule shall apply, to the
5 maximum extent practicable, to all water heat-
6 ing technologies in use as of the date of enact-
7 ment of this paragraph and to future water
8 heating technologies.

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

13 “(J) TESTING OF ALTERNATIVE
14 DESCRIPTORS.—In establishing the final rule,
15 the Secretary shall contract with the National
16 Institute of Standards and Technology, as nec-
17 essary, to conduct testing and simulation of al-
18 ternative descriptors identified for consider-
19 ation.

20 “(K) EXISTING COVERED WATER HEAT-
21 ERS.—A covered water heater shall be consid-
22 ered to comply with the final rule on and after
23 the effective date of the final rule and with any
24 revised labeling requirements established by the

1 Federal Trade Commission to carry out the
2 final rule if the covered water heater—

3 “(i) was manufactured prior to the ef-
4 fective date of the final rule; and

5 “(ii) complied with the efficiency
6 standards and labeling requirements in ef-
7 fect prior to the final rule.”.

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