

111TH CONGRESS
2D SESSION

S. 3054

To amend the Energy Policy and Conservation Act to establish efficiency standards for bottle-type water dispensers, commercial hot food holding cabinets, and portable electric spas.

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2010

Mr. MENENDEZ 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 establish efficiency standards for bottle-type water dispensers, commercial hot food holding cabinets, and portable electric spas.

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

1 **SECTION 1. EFFICIENCY STANDARDS FOR BOTTLE-TYPE**
 2 **WATER DISPENSERS, COMMERCIAL HOT**
 3 **FOOD HOLDING CABINETS, AND PORTABLE**
 4 **ELECTRIC SPAS.**

5 (a) DEFINITIONS.—Section 321 of the Energy Policy
 6 and Conservation Act (42 U.S.C. 6291) is amended by
 7 adding at the end the following:

8 “(67) BOTTLE-TYPE WATER DISPENSER.—The
 9 term ‘bottle-type water dispenser’ means a drinking
 10 water dispenser that is—

11 “(A) designed for dispensing hot and cold
 12 water; and

13 “(B) uses a removable bottle or container
 14 as the source of potable water.

15 “(68) COMMERCIAL HOT FOOD HOLDING CABI-
 16 NET.—

17 “(A) IN GENERAL.—The term ‘commercial
 18 hot food holding cabinet’ means a heated, fully-
 19 enclosed compartment that—

20 “(i) is designed to maintain the tem-
 21 perature of hot food that has been cooked
 22 in a separate appliance;

23 “(ii) has 1 or more solid or glass
 24 doors; and

25 “(iii) has an interior volume of 8
 26 cubic feet or more.

1 “(B) EXCLUSIONS.—The term ‘commercial
2 hot food holding cabinet’ does not include—

3 “(i) a heated glass merchandising cab-
4 inet;

5 “(ii) a drawer warmer; or

6 “(iii) a cook-and-hold appliance.

7 “(69) COMPARTMENT BOTTLE-TYPE WATER
8 DISPENSER.—The term ‘compartment bottle-type
9 water dispenser’ means a drinking water dispenser
10 that—

11 “(A) is designed for dispensing hot and
12 cold water;

13 “(B) uses a removable bottle or container
14 as the source of potable water; and

15 “(C) includes a refrigerated compartment
16 with or without provisions for making ice.

17 “(70) PORTABLE ELECTRIC SPA.—

18 “(A) IN GENERAL.—The term ‘portable
19 electric spa’ means a factory-built electric spa
20 or hot tub that—

21 “(i) is intended for the immersion of
22 persons in heated water circulated in a
23 closed system; and

24 “(ii) is not intended to be drained and
25 filled with each use.

1 “(B) INCLUSIONS.—The term ‘portable
2 electric spa’ includes—

3 “(i) a filter;

4 “(ii) a heater (including an electric,
5 solar, or gas heater);

6 “(iii) a pump;

7 “(iv) a control; and

8 “(v) other equipment, such as a light,
9 a blower, and water sanitizing equipment.

10 “(C) EXCLUSIONS.—The term ‘portable
11 electric spa’ does not include—

12 “(i) a permanently installed spa that,
13 once installed, cannot be moved; or

14 “(ii) a spa that is specifically designed
15 and exclusively marketed for medical treat-
16 ment or physical therapy purposes.

17 “(71) WATER DISPENSER.—The term ‘water
18 dispenser’ means a factory-made assembly that—

19 “(A) mechanically cools and heats potable
20 water; and

21 “(B) dispenses the cooled or heated water
22 by integral or remote means.”.

23 (b) COVERAGE.—Section 322(a) of the Energy Policy
24 and Conservation Act (42 U.S.C. 6292(a)) is amended—

1 (1) by redesignating paragraph (20) as para-
2 graph (23); and

3 (2) by inserting after paragraph (19) the fol-
4 lowing:

5 “(20) Bottle-type water dispensers and com-
6 partment bottle-type water dispensers.

7 “(21) Commercial hot food holding cabinets.

8 “(22) Portable electric spas.”.

9 (c) TEST PROCEDURES.—Section 323(b) of the En-
10 ergy Policy and Conservation Act (42 U.S.C. 6293(b)) is
11 amended by adding at the end the following:

12 “(19) BOTTLE-TYPE WATER DISPENSERS.—

13 “(A) IN GENERAL.—Test procedures for
14 bottle-type water dispensers and compartment
15 bottle-type water dispensers shall be based on
16 the document ‘Energy Star Program Require-
17 ments for Bottled Water Coolers version 1.1’
18 published by the Environmental Protection
19 Agency.

20 “(B) INTEGRAL, AUTOMATIC TIMERS.—A
21 unit with an integral, automatic timer shall not
22 be tested under this paragraph using section
23 4D of the test criteria (relating to Timer
24 Usage).

1 “(20) COMMERCIAL HOT FOOD HOLDING CABI-
2 NETS.—

3 “(A) IN GENERAL.—Test procedures for
4 commercial hot food holding cabinets shall be
5 based on the test procedures described in
6 ANSI/ASTM F2140–01 (Test for idle energy
7 rate-dry test).

8 “(B) INTERIOR VOLUME.—Interior volume
9 shall be based under this paragraph on the
10 method demonstrated in the document ‘Energy
11 Star Program Requirements for Commercial
12 Hot Food Holding Cabinets’ of the Environ-
13 mental Protection Agency, as in effect on Au-
14 gust 15, 2003.

15 “(21) PORTABLE ELECTRIC SPAS.—

16 “(A) IN GENERAL.—Test procedures for
17 portable electric spas shall be based on the test
18 method for portable electric spas described in
19 section 1604 of title 20, California Code of
20 Regulations, as amended on December 3, 2008.

21 “(B) NORMALIZED CONSUMPTION.—Con-
22 sumption shall be normalized under this para-
23 graph for a water temperature difference of 37
24 degrees Fahrenheit.

1 “(C) ANSI TEST PROCEDURE.—If the
 2 American National Standards Institute pub-
 3 lishes a test procedure for portable electric
 4 spas, the Secretary shall revise the procedure
 5 established under this paragraph, as determined
 6 appropriate by the Secretary.”.

7 (d) STANDARDS.—Section 325 of the Energy Policy
 8 and Conservation Act (42 U.S.C. 6295) is amended—

9 (1) by redesignating subsection (ii) as sub-
 10 section (mm); and

11 (2) by inserting after subsection (hh) the fol-
 12 lowing:

13 “(ii) BOTTLE-TYPE WATER DISPENSERS.—Effective
 14 beginning January 1, 2012—

15 “(1) a bottle-type water dispenser shall not
 16 have standby energy consumption that is greater
 17 than 1.2 kilowatt-hours per day; and

18 “(2) a compartment bottle-type water dispenser
 19 shall not have standby energy consumption that is
 20 greater than 1.3 kilowatt-hours per day.

21 “(jj) COMMERCIAL HOT FOOD HOLDING CABI-
 22 NETS.—Effective beginning January 1, 2012, a commer-
 23 cial hot food holding cabinet shall have a maximum idle
 24 energy rate of 40 watts per cubic foot of interior volume.

1 “(kk) PORTABLE ELECTRIC SPAS.—Effective begin-
 2 ning January 1, 2012, a portable electric spa shall not
 3 have a normalized standby power rate of greater than 5
 4 ($V^{2/3}$) Watts (in which ‘V’ equals the fill volume (in gal-
 5 lons)).

6 “(ll) REVISIONS.—

7 “(1) IN GENERAL.—Not later than January 1,
 8 2013, the Secretary shall—

9 “(A) consider in accordance with sub-
 10 section (o) revisions to the standards estab-
 11 lished under subsections (ii), (jj), and (kk); and

12 “(B)(i) publish a final rule establishing the
 13 revised standards; or

14 “(ii) make a finding that no revisions are
 15 technically feasible and economically justified.

16 “(2) EFFECTIVE DATE.—Any revised standards
 17 under this subsection take effect on January 1,
 18 2016.”.

19 (e) PREEMPTION.—Section 327 of the Energy Policy
 20 and Conservation Act (42 U.S.C. 6297) is amended—

21 (1) in subsection (b)—

22 (A) in paragraph (6), by striking “or”
 23 after the semicolon at the end;

24 (B) in paragraph (7), by striking the pe-
 25 riod at the end and inserting “; or”; and

1 (C) by adding at the end the following:

2 “(8) is a regulation that—

3 “(A) establishes efficiency standards for
4 bottle-type water dispensers, compartment bot-
5 tle-type water dispensers, commercial hot food
6 holding cabinets, or portable electric spas; and

7 “(B) is in effect on or before the date of
8 enactment of this paragraph.”; and

9 (2) in subsection (c)—

10 (A) in paragraph (8)(B), by striking “and”
11 after the semicolon at the end;

12 (B) in paragraph (9)—

13 (i) by striking “except that—” and all
14 that follows through “if the Secretary” and
15 inserting “except that if the Secretary”;

16 (ii) by redesignating clauses (i) and
17 (ii) as subparagraphs (A) and (B), respec-
18 tively, and indenting appropriately; and

19 (iii) in subparagraph (B) (as so redesi-
20 gnated), by striking the period at the end
21 and inserting “and”; and

22 (C) by adding at the end the following:

23 “(10) is a regulation that—

24 “(A) establishes efficiency standards for
25 bottle-type water dispensers, compartment bot-

1 tle-type water dispensers, commercial hot food
2 holding cabinets, or portable electric spas; and
3 “(B) is adopted by the California Energy
4 Commission on or before January 1, 2013.”.

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