

CALIFORNIA PRESSES FORWARD WITH NEW ENERGY EFFICIENCY STANDARDS

By Scott Blake Harris and John A. Hodges

Current rulemaking activity by the California Energy Commission (CEC) demonstrates its ambition and clout in appliance energy efficiency regulation. Industry should take heed. CEC standards are backed by stringent sanctions. And, given the size of the California market, those standards can become de facto national, and even international, standards.

CEC's Effort to Fill Federal Regulatory Vacuum

In light of CEC's mission to save energy, it's understandable that the agency would seek opportunities to regulate appliance efficiency to the extent not prohibited by the federal Energy Policy and Conservation Act (EPCA). If an appliance is not covered under the federal appliance program, it could become a tempting target for CEC.

CEC appliance efficiency standards are backed by draconian enforcement provisions, including civil penalties of \$2,500 per unit. In comparison, DOE's appliance efficiency program has civil penalties currently at \$440 per unit.

CEC Phase 2 Regulations and Roadmaps

CEC is expanding its reach. On October 24, 2017, CEC will conduct a webinar to discuss its efficiency regulations rulemaking for so-called "Phase 2" appliances. These are non-federally-regulated appliances not yet addressed by CEC's regulations. Industry has an opportunity to help shape CEC's approach.

The agency will discuss the results of its invitation to submit proposals for standards, test procedures, and other approaches for energy savings for several appliances. These are commercial and industrial fans and blowers; general service lamps (expanded scope of regulation); sprinkler spray bodies; tub-spout diverters; and irrigation controllers. The process is expected to lead to proposed CEC regulations.

The webinar will also discuss appliance efficiency "roadmaps" for set-top boxes (STB); low-power modes and power factor; and solar inverters. This process is to lead to staff white papers establishing efficiency strategies for these appliances. E.g., how to accelerate the replacement of existing inefficient STB with efficient STB in homes and businesses; and research and development opportunities.

CEC's New Building Energy Efficiency Standards Rulemaking

EPCA has a carefully defined exception to preemption in relation to building codes.

Requirements contained in a state or local building code for new construction concerning the energy efficiency or energy use of a covered product are not preempted if specified criteria are met.

CEC takes full advantage this exception. It is already moving forward with development of draft 2019 Building Energy Efficiency Standards. Written comments in relation to a staff workshop are due by October 20, 2017.

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