

# House Bill 2565

Sponsored by COMMITTEE ON ENERGY AND THE ENVIRONMENT

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes minimum energy efficiency standards for certain products. Allows Director of State Department of Energy to adopt rules in certain cases to modify minimum efficiency standards and operative dates of minimum energy efficiency standards. Requires Governor to cause to be introduced at Legislative Assembly bill to conform statutory minimum efficiency standards and operative dates with rules.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to minimum energy efficiency standards; creating new provisions; amending ORS 469.229,  
3 469.233, 469.255 and 469.261; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 469.229 is amended to read:

6 469.229. As used in ORS 469.229 to 469.261, unless the context clearly requires otherwise:

7 (1) "Automatic commercial ice cube machine" means a factory-made assembly, not necessarily  
8 shipped in one package, consisting of a condensing unit and ice-making section operating as an in-  
9 tegrated unit with means for making and harvesting ice cubes, and any integrated components for  
10 storing or dispensing ice.

11 (2) "Ballast" means a device used with an electric discharge lamp to obtain necessary circuit  
12 conditions for starting and operating the lamp.

13 (3) "Commercial clothes washer" means a soft mount horizontal-axis or vertical-axis clothes  
14 washer that:

15 (a) Has a clothes compartment no greater than 3.5 cubic feet in the case of a horizontal-axis  
16 product or no greater than 4 cubic feet in the case of a vertical-axis product; and

17 (b) Is designed for use by more than one household.

18 (4) "Commercial prerinse spray valve" means a handheld device designed and marketed for use  
19 with commercial dishwashing equipment and that sprays water on dishes, flatware and other food  
20 service items for the purpose of removing food residue prior to their cleaning.

21 (5) "Commercial refrigerators or freezers" means refrigerators, freezers or refrigerator-freezers,  
22 smaller than 85 cubic feet of internal volume and designed for use by commercial or institutional  
23 facilities for the purpose of storing or merchandising food products, beverages or ice at specified  
24 temperatures, other than products without doors, walk-in refrigerators or freezers, consumer pro-  
25 ducts that are federally regulated pursuant to 42 U.S.C. 6291 et seq. or freezers specifically designed  
26 for ice cream. "Commercial refrigerators or freezers":

27 (a) Must incorporate most components involved in the vapor-compression cycle and the refrigerated  
28 compartment in a single cabinet; and

29 (b) May be configured with either solid or transparent doors as a reach-in cabinet, pass-through

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 cabinet, roll-in cabinet or roll-through cabinet.

2 (6) “High-intensity discharge lamp” means a lamp in which light is produced by the passage of  
3 an electric current through a vapor or gas, and in which the light-producing arc is stabilized by bulb  
4 wall temperature and the arc tube has a bulb wall loading in excess of three watts per square cen-  
5 timeter.

6 (7) “Illuminated exit sign” means an internally illuminated sign that is designed to be perma-  
7 nently fixed in place to identify a building exit, that consists of an electrically powered integral light  
8 source that illuminates the legend “EXIT” and any directional indicators and that provides contrast  
9 between the legend, any directional indicators and the background.

10 (8) “Metal halide lamp” means a high-intensity discharge lamp in which the major portion of the  
11 light is produced by radiation of metal halides and their products of dissociation, possibly in com-  
12 bination with metallic vapors.

13 (9) “Metal halide lamp fixture” means a light fixture designed to be operated with a metal halide  
14 lamp and a ballast for a metal halide lamp.

15 (10) “Pass-through cabinet” means a commercial refrigerator or freezer with hinged or sliding  
16 doors on both the front and rear of the unit.

17 (11) “Probe-start metal halide lamp ballast” means a ballast used to operate metal halide lamps  
18 that does not contain an igniter and that instead starts metal halide lamps by using a third starting  
19 electrode probe in the arc tube.

20 (12) “Reach-in cabinet” means a commercial refrigerator or freezer with hinged or sliding doors  
21 or lids, other than roll-in or roll-through cabinets or pass-through cabinets.

22 (13) “Roll-in cabinet” means a commercial refrigerator or freezer with hinged or sliding doors  
23 that allow wheeled racks to be rolled into the unit.

24 (14) “Roll-through cabinet” means a commercial refrigerator or freezer with hinged or sliding  
25 doors on two sides of the cabinet that allow wheeled racks to be rolled through the unit.

26 (15)(a) “Single-voltage external AC to DC power supply” means a device, other than a product  
27 with batteries or battery packs that physically attach directly to the power supply unit, a product  
28 with a battery chemistry or type selector switch and indicator light or a product with a battery  
29 chemistry or type selector switch and a state of charge meter, that:

30 [(a)] **(A)** Is designed to convert line voltage alternating current input into lower voltage direct  
31 current output;

32 [(b)] **(B)** Is able to convert to only one direct current output voltage at a time;

33 [(c)] **(C)** Is sold with, or intended to be used with, a separate end-use product that constitutes  
34 the primary power load;

35 [(d)] **(D)** Is contained within a separate physical enclosure from the end-use product;

36 [(e)] **(E)** Is connected to the end-use product via a removable or hard-wired male or female  
37 electrical connection, cable, cord or other wiring; and

38 [(f)] **(F)** Has a nameplate output power less than or equal to 250 watts.

39 **(b) “Single-voltage external AC to DC power supply” does not include power supplies that**  
40 **are classified as devices for human use under the Federal Food, Drug and Cosmetic Act, 21**  
41 **U.S.C. 360c.**

42 (16) “State-regulated incandescent reflector lamp” means a lamp that is not colored or designed  
43 for rough or vibrating service applications, that has an inner reflective coating on the outer bulb  
44 to direct the light, that has an E26 medium screw base, that has a rated voltage or voltage range  
45 that lies at least partially within 115 to 130 volts and that falls into one of the following categories:

(a) A bulged reflector or elliptical reflector bulb shape that has a diameter that equals or exceeds 2.25 inches; or

(b) A reflector, parabolic aluminized reflector or similar bulb shape that has a diameter of 2.25 to 2.75 inches.

(17) "Torchiere" means a portable electric lighting fixture with a reflective bowl that directs light upward so as to produce indirect illumination.

(18) "Traffic signal module" means a standard traffic signal indicator, consisting of a light source, a lens and all other parts necessary for operation, that is:

(a) Eight inches, or approximately 200 millimeters, in diameter; or

(b) Twelve inches, or approximately 300 millimeters, in diameter.

(19) "Unit heater" means a self-contained, vented fan-type commercial space heater, other than a consumer product covered by federal standards established pursuant to 42 U.S.C. 6291 et seq. or that is a direct vent, forced flue heater with a sealed combustion burner, that uses natural gas or propane and that is designed to be installed without ducts within a heated space.

**SECTION 2.** ORS 469.233 is amended to read:

469.233. The following minimum energy efficiency standards for new products are established:

(1)(a) Automatic commercial ice cube machines must have daily energy use and daily water use no greater than the applicable values in the following table:

---

Equipment type	Type of cooling	Harvest rate (lbs. ice/24 hrs.)	Maximum energy use (kWh/100 lbs.)	Maximum condenser water use (gallons/100 lbs. ice)
Ice-making head	water	<500	7.80 -.0055H	200 -.022H
		≥ 500<1436	5.58 -.0011H	200 -.022H
		≥ 1436	4.0	200 -.022H
Ice-making head	air	<450	10.26 -.0086H	Not applicable
		≥ 450	6.89 -.0011H	Not applicable
Remote condensing but not remote compressor				
	air	<1000	8.85 -.0038	Not applicable
		≥ 1000	5.10	Not applicable
Remote condensing and remote compressor				
	air	<934	8.85 -.0038H	Not applicable
		≥ 934	5.30	Not applicable
Self-contained models				
	water	<200	11.40 -.0190H	191 -.0315H
		≥ 200	7.60	191 -.0315H
Self-contained models				
	air	<175	18.0 -.0469H	Not applicable
		≥ 175	9.80	Not applicable

Where H = harvest rate in pounds per 24 hours, which must be reported within 5 percent of

1 the tested value. Maximum water use applies only to water used for the condenser.

2  
3  
4 (b) For purposes of this subsection, automatic commercial ice cube machines shall be tested in  
5 accordance with the ARI 810-2003 test method as published by the Air-Conditioning and Refriger-  
6 ation Institute. Ice-making heads include all automatic commercial ice cube machines that are not  
7 split system ice makers or self-contained models as defined in ARI 810-2003.

8 (2) Commercial clothes washers must have a minimum modified energy factor of 1.26 and a  
9 maximum water consumption factor of 9.5. For purposes of this subsection, capacity, modified energy  
10 factor and water consumption factor are defined and shall be measured in accordance with the fed-  
11 eral test method for commercial clothes washers under 10 C.F.R. 430.23.

12 (3) Commercial prerinse spray valves must have a flow rate equal to or less than 1.6 gallons per  
13 minute when measured in accordance with the ASTM International’s “Standard Test Method for  
14 Prerinse Spray Valves,” ASTM F2324-03.

15 (4)(a) Commercial refrigerators or freezers must meet the applicable requirements listed in the  
16 following table:

---

Equipment Type	Doors	Maximum Daily Energy Consumption (kWh)
Reach-in cabinets, pass-through cabinets and roll-in or roll-through cabinets that are refrigerators	Solid Transparent	0.10V + 2.04 0.12V + 3.34
Reach-in cabinets, pass-through cabinets and roll-in or roll-through cabinets that are “pulldown” refrigerators	Transparent	.126V + 3.51
Reach-in cabinets, pass-through cabinets and roll-in or roll-through cabinets that are freezers	Solid Transparent	0.40V + 1.38 0.75V + 4.10
Reach-in cabinets that are refrigerator-freezers with an AV of 5.19 or higher	Solid	0.27AV - 0.71

39 kWh = kilowatt hours

41 V = total volume (ft<sup>3</sup>)

43 AV = adjusted volume = 1.63 x freezer volume (ft<sup>3</sup>) + refrigerator volume (ft<sup>3</sup>)

---

(b) For purposes of this subsection:

(A) "Pull-down" designates products designed to take a fully stocked refrigerator with beverages at 90 degrees Fahrenheit and cool those beverages to a stable temperature of 38 degrees Fahrenheit within 12 hours or less.

(B) Daily energy consumption shall be measured in accordance with the American National Standards Institute/American Society of Heating, Refrigerating and Air-Conditioning Engineers test method 117-2002, except that:

(i) The back-loading doors of pass-through and roll-through refrigerators and freezers must remain closed throughout the test; and

(ii) The controls of all commercial refrigerators or freezers shall be adjusted to obtain the following product temperatures, in accordance with the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, section 1604, table A-2, effective November 27, 2002:

---

Product or compartment type	Integrated average product temperature in degrees Fahrenheit
Refrigerator	$38 \pm 2$
Freezer	$0 \pm 2$

---

(5) Illuminated exit signs must have an input power demand of five watts or less per illuminated face. For purposes of this subsection, input power demand shall be measured in accordance with the conditions for testing established by the United States Environmental Protection Agency's Energy Star exit sign program version 3.0. Illuminated exit signs must also meet all applicable building and safety codes.

(6) Metal halide lamp fixtures designed to be operated with lamps rated greater than or equal to 150 watts but less than or equal to 500 watts may not contain a probe-start metal halide lamp ballast.

(7)(a) Single-voltage external AC to DC power supplies **manufactured on or after July 1, 2007**, must meet the requirements in the following table:

---

Nameplate output	Minimum Efficiency in Active Mode
<1 Watt	$0.49 * \text{Nameplate Output}$
$\geq 1$ Watt and $\leq 49$ Watts	$0.09 * \text{Ln (Nameplate Output)} + 0.49$
>49 Watts	0.84
	Maximum Energy Consumption in No-Load Mode
$\leq 10$ Watts	0.5 Watts
>10 Watts and $\leq 250$ Watts	0.75 Watts

1 Where Ln (Nameplate Output) - Natural Logarithm of the nameplate output expressed in Watts

2  
3  
4 (b) For the purposes of this subsection, efficiency of single-voltage external AC to DC power  
5 supplies shall be measured in accordance with the United States Environmental Protection Agency's  
6 "Test Method for Calculating the Energy Efficiency of Single-Voltage External AC to DC and AC  
7 to AC Power Supplies," dated August 11, 2004. **The efficiency in the active and no-load modes**  
8 **of power supplies shall be tested only at 115 volts at 60 Hz.**

9 (8)(a) State-regulated incandescent reflector lamps **manufactured on or after January 1,**  
10 **2008,** [other than 50 watt elliptical reflector lamps,] must meet the minimum efficiencies in the fol-  
11 lowing table:

---

14 Wattage	15 Minimum average lamp efficiency (lumens per watt)
17 40 - 50	10.5
18 51 - 66	11.0
19 67 - 85	12.5
20 86 - 115	14.0
21 116 - 155	14.5
22 156 - 205	15.0

---

24  
25 (b) Lamp efficiency shall be measured in accordance with the applicable test method found in  
26 10 C.F.R. 430.23.

27 (9) Torchieres may not use more than 190 watts. A torchiere uses more than 190 watts if any  
28 commercially available lamp or combination of lamps can be inserted in a socket and cause the  
29 torchiere to draw more than 190 watts when operated at full brightness.

30 (10)(a) Traffic signal modules must have maximum and nominal wattage that does not exceed the  
31 applicable values in the following table:

---

34 Module Type	35 Maximum Wattage (at 74°C)	36 Nominal Wattage (at 25°C)
37 12" red ball (or 300 mm circular)	17	11
38 8" red ball (or 200 mm circular)	13	8
39 12" red arrow (or 300 mm arrow)	12	9
40		
41 12" green ball (or 300 mm circular)	15	15
42 8" green ball (or 200 mm circular)	12	12
43 12" green arrow (or 300 mm arrow)	11	11

---

(b) For purposes of this subsection, maximum wattage and nominal wattage shall be measured in accordance with and under the testing conditions specified by the Institute for Transportation Engineers “Interim LED Purchase Specification, Vehicle Traffic Control Signal Heads, Part 2: Light Emitting Diode Vehicle Traffic Signal Modules.”

(11) Unit heaters must be equipped with intermittent ignition devices and must have either power venting or an automatic flue damper.

**SECTION 3.** ORS 469.233, as amended by section 2 of this 2007 Act, is amended to read:

469.233. The following minimum energy efficiency standards for new products are established:

(1)(a) Automatic commercial ice cube machines must have daily energy use and daily water use no greater than the applicable values in the following table:

---

Equipment type	Type of cooling	Harvest rate (lbs. ice/24 hrs.)	Maximum energy use (kWh/100 lbs.)	Maximum condenser water use (gallons/100 lbs. ice)
Ice-making head	water	<500	7.80 -.0055H	200 -.022H
		≥ 500<1436	5.58 -.0011H	200 -.022H
		≥ 1436	4.0	200 -.022H
Ice-making head	air	<450	10.26 -.0086H	Not applicable
		≥ 450	6.89 -.0011H	Not applicable
Remote condensing but not remote compressor				
compressor	air	<1000	8.85 -.0038	Not applicable
		≥ 1000	5.10	Not applicable
Remote condensing and remote compressor				
compressor	air	<934	8.85 -.0038H	Not applicable
		≥ 934	5.30	Not applicable
Self-contained models				
models	water	<200	11.40 -.0190H	191 -.0315H
		≥ 200	7.60	191 -.0315H
Self-contained models				
models	air	<175	18.0 -.0469H	Not applicable
		≥ 175	9.80	Not applicable

Where H = harvest rate in pounds per 24 hours, which must be reported within 5 percent of the tested value. Maximum water use applies only to water used for the condenser.

(b) For purposes of this subsection, automatic commercial ice cube machines shall be tested in accordance with the ARI 810-2003 test method as published by the Air-Conditioning and Refrigeration Institute. Ice-making heads include all automatic commercial ice cube machines that are not split system ice makers or self-contained models as defined in ARI 810-2003.

(2) Commercial clothes washers must have a minimum modified energy factor of 1.26 and a

1 maximum water consumption factor of 9.5. For purposes of this subsection, capacity, modified energy  
 2 factor and water consumption factor are defined and shall be measured in accordance with the fed-  
 3 eral test method for commercial clothes washers under 10 C.F.R. 430.23.

4 (3) Commercial prerinse spray valves must have a flow rate equal to or less than 1.6 gallons per  
 5 minute when measured in accordance with the ASTM International’s “Standard Test Method for  
 6 Prerinse Spray Valves,” ASTM F2324-03.

7 (4)(a) Commercial refrigerators or freezers must meet the applicable requirements listed in the  
 8 following table:

---

Equipment Type	Doors	Maximum Daily Energy Consumption (kWh)
Reach-in cabinets, pass-through cabinets and roll-in or roll-through cabinets that are refrigerators	Solid Transparent	0.10V + 2.04 0.12V + 3.34
Reach-in cabinets, pass-through cabinets and roll-in or roll-through cabinets that are “pulldown” refrigerators	Transparent	.126V + 3.51
Reach-in cabinets, pass-through cabinets and roll-in or roll-through cabinets that are freezers	Solid Transparent	0.40V + 1.38 0.75V + 4.10
Reach-in cabinets that are refrigerator-freezers with an AV of 5.19 or higher	Solid	0.27AV - 0.71

kWh = kilowatt hours

V = total volume (ft<sup>3</sup>)

AV = adjusted volume = 1.63 x freezer volume (ft<sup>3</sup>) + refrigerator volume (ft<sup>3</sup>)

---

(b) For purposes of this subsection:

(A) “Pulldown” designates products designed to take a fully stocked refrigerator with beverages at 90 degrees Fahrenheit and cool those beverages to a stable temperature of 38 degrees Fahrenheit within 12 hours or less.

(B) Daily energy consumption shall be measured in accordance with the American National Standards Institute/American Society of Heating, Refrigerating and Air-Conditioning Engineers test method 117-2002, except that:

(i) The back-loading doors of pass-through and roll-through refrigerators and freezers must re-



1 main closed throughout the test; and

2 (ii) The controls of all commercial refrigerators or freezers shall be adjusted to obtain the fol-  
 3 lowing product temperatures, in accordance with the California Code of Regulations, Title 20, Divi-  
 4 sion 2, Chapter 4, Article 4, section 1604, table A-2, effective November 27, 2002:

---

Product or compartment type	Integrated average product temperature in degrees Fahrenheit
Refrigerator	$38 \pm 2$
Freezer	$0 \pm 2$

---

13  
 14 (5) Illuminated exit signs must have an input power demand of five watts or less per illuminated  
 15 face. For purposes of this subsection, input power demand shall be measured in accordance with the  
 16 conditions for testing established by the United States Environmental Protection Agency’s Energy  
 17 Star exit sign program version 3.0. Illuminated exit signs must also meet all applicable building and  
 18 safety codes.

19 (6) Metal halide lamp fixtures designed to be operated with lamps rated greater than or equal  
 20 to 150 watts but less than or equal to 500 watts may not contain a probe-start metal halide lamp  
 21 ballast.

22 (7)(a) Single-voltage external AC to DC power supplies manufactured on or after July 1, [2007]  
 23 **2008**, must meet the requirements in the following table:

---

Nameplate output	Minimum Efficiency in Active Mode
<1 Watt	[0.49] <b>0.5</b> * Nameplate Output
≥ 1 Watt	0.09 * Ln (Nameplate Output) + [0.49] <b>0.5</b>
and ≤ [49] <b>51</b> Watts	[0.84] <b>0.85</b>
> [49] <b>51</b> Watts	
	Maximum Energy Consumption in No-Load Mode
[≤ 10 Watts] <b>Any Output</b>	0.5 Watts
[>10 Watts]	
[and ≤ 250 Watts]	[0.75 Watts]

38  
 39 Where Ln (Nameplate Output) - Natural Logarithm of the nameplate output expressed in Watts

---

41  
 42 (b) For the purposes of this subsection, efficiency of single-voltage external AC to DC power  
 43 supplies shall be measured in accordance with the United States Environmental Protection Agency’s  
 44 “Test Method for Calculating the Energy Efficiency of Single-Voltage External AC to DC and AC  
 45 to AC Power Supplies,” dated August 11, 2004. The efficiency in the active and no-load modes of

1 power supplies shall be tested only at 115 volts at 60 Hz.

2 (8)(a) State-regulated incandescent reflector lamps manufactured on or after January 1, 2008,  
3 must meet the minimum efficiencies in the following table:

---

4	5	6	7
8	9	10	11
12	13	14	15
Wattage		Minimum average lamp efficiency	(lumens per watt)
40 - 50		10.5	
51 - 66		11.0	
67 - 85		12.5	
86 - 115		14.0	
116 - 155		14.5	
156 - 205		15.0	

---

16  
17 (b) Lamp efficiency shall be measured in accordance with the applicable test method found in  
18 10 C.F.R. 430.23.

19 (9) Torchieres may not use more than 190 watts. A torchiere uses more than 190 watts if any  
20 commercially available lamp or combination of lamps can be inserted in a socket and cause the  
21 torchiere to draw more than 190 watts when operated at full brightness.

22 (10)(a) Traffic signal modules must have maximum and nominal wattage that does not exceed the  
23 applicable values in the following table:

---

24	25	26	27	28
29	30	31	32	33
34	35	36	37	38
Module Type		Maximum Wattage	Nominal Wattage	
		(at 74°C)	(at 25°C)	
12" red ball (or 300 mm circular)		17	11	
8" red ball (or 200 mm circular)		13	8	
12" red arrow (or 300 mm arrow)		12	9	
12" green ball (or 300 mm circular)		15	15	
8" green ball (or 200 mm circular)		12	12	
12" green arrow (or 300 mm arrow)		11	11	

---

39 (b) For purposes of this subsection, maximum wattage and nominal wattage shall be measured  
40 in accordance with and under the testing conditions specified by the Institute for Transportation  
41 Engineers "Interim LED Purchase Specification, Vehicle Traffic Control Signal Heads, Part 2: Light  
42 Emitting Diode Vehicle Traffic Signal Modules."

43 (11) Unit heaters must be equipped with intermittent ignition devices and must have either  
44 power venting or an automatic flue damper.

45 **SECTION 4. The following state-regulated incandescent reflector lamps are exempt from the minimum energy efficiency standards established in ORS 469.233 (8):**

1 (1) 50 watt elliptical reflector lamps;

2 (2) Lamps rated at 50 watts or less of the following types: BR 30, ER 30, BR 40 and ER  
3 40;

4 (3) Lamps rated at 65 watts of the following types: BR 40 and ER 40; and

5 (4) R 20 lamps of 45 watts or less.

6 **SECTION 5.** Section 4 of this 2007 Act is added to and made a part of ORS 469.229 to  
7 469.261.

8 **SECTION 6.** ORS 469.255 is amended to read:

9 469.255. (1) A manufacturer of a product specified in ORS 469.238 that is sold or offered for sale,  
10 or installed or offered for installation, in this state shall test samples of *[their]* **the manufacturer's**  
11 products in accordance with the test methods specified in ORS 469.233 or, if more stringent, those  
12 specified in the state building code.

13 (2) *[The State Department of Energy shall adopt test methods for products required to be tested*  
14 *under this section]* If the test methods **for products required to be tested under this section** are  
15 not provided for in ORS 469.233 or in the state building code, **the State Department of Energy**  
16 **shall adopt test methods for these products.** The department shall use test methods approved by  
17 the United States Department of Energy or, in the absence of federal test methods, other appropriate  
18 nationally recognized test methods for guidance in adopting test methods. The State Department of  
19 Energy may periodically review and revise its test methods.

20 (3) A manufacturer **of a product regulated pursuant to ORS 469.229 to 469.261** *[required to*  
21 *test a product pursuant to this section, except for a manufacturer of single-voltage external AC to DC*  
22 *power supplies,]* shall certify to the State Department of Energy that the products are in compliance  
23 with the minimum energy efficiency standards specified in ORS 469.233. *[The manufacturer shall base*  
24 *its certification on the testing performed pursuant to this section.]* The department shall establish rules  
25 governing the certification of these products and may coordinate with the certification programs of  
26 other states and federal agencies with similar standards.

27 (4)(a) *[A manufacturer required to test a product pursuant to this section shall identify each*  
28 *product that complies with the minimum energy efficiency standards specified in ORS 469.233 by means*  
29 *of a mark, label or tag on the product and packaging at the time of sale or installation.]* The depart-  
30 ment shall establish rules governing the identification of the products *[and packaging, which]* **that**  
31 **comply with the minimum energy efficiency standards specified in ORS 469.233. The rules**  
32 shall be coordinated to the greatest extent practicable with the labeling programs of other states  
33 and federal agencies with equivalent efficiency standards.

34 (b) **Identification required under paragraph (a) of this subsection shall be by means of a**  
35 **mark, label or tag on the product and packaging at the time of sale or installation.**

36 (c) **The department shall waive marking, labeling or tagging requirements for products**  
37 **marked, labeled or tagged in compliance with federal requirements or for products certified**  
38 **pursuant to subsection (3) of this section, unless the department determines that state**  
39 **marking, labeling or tagging is required to provide adequate energy efficiency information**  
40 **to the consumer.**

41 **SECTION 7.** ORS 469.261 is amended to read:

42 469.261. (1)(a) Notwithstanding ORS 469.233, the State Department of Energy shall periodically  
43 review the minimum energy efficiency standards specified in ORS 469.233. *[and shall report to the*  
44 *Legislative Assembly when the standards need to be updated, due to federal action or to the outcome*  
45 *of collaborative consultations with manufacturers and the energy departments of other states.]*

1 (b) After the review pursuant to paragraph (a) of this subsection, the Director of the  
 2 State Department of Energy may adopt rules to update the minimum energy efficiency  
 3 standards specified in ORS 469.233 if the director determines that:

4 (A)(i) Adjoining states with similar minimum energy efficiency standards for new pro-  
 5 ducts have modified the standards applicable to products governed by ORS 469.233 and the  
 6 modified minimum efficiency standards adopted in such states are consistent with the energy  
 7 policy of ORS 469.010; and

8 (ii) Failure to change the minimum energy efficiency standards specified in ORS 469.233  
 9 would impose a substantial hardship on manufacturers, retailers or the public; or

10 (B) The modified minimum efficiency standards are necessary due to federal action or  
 11 to the outcome of collaborative consultations with manufacturers and the energy depart-  
 12 ments of other states.

13 (c)(A) In addition to the rules adopted under paragraph (b) of this subsection, the direc-  
 14 tor may postpone by rule the operative date of any of the minimum efficiency standards  
 15 specified in ORS 469.233 if the director determines that:

16 (i) Adjoining states with similar minimum energy efficiency standards have postponed the  
 17 operative date of their corresponding minimum efficiency standards; or

18 (ii) Failure to modify the operative date of any of the minimum energy efficiency stan-  
 19 dards would impose a substantial hardship on manufacturers, retailers or the public.

20 (B)(i) The director may not postpone the operative date of a minimum energy efficiency  
 21 standard under subparagraph (A) of this paragraph for more than one year.

22 (ii) If at the end of the first postponement period the director determines that adjoining  
 23 states have further postponed the operative date of minimum efficiency standards and the  
 24 requirements of sub-subparagraph (A) of this paragraph continue to be met, the director  
 25 may postpone the operative date for not more than one additional year.

26 (2) If the director adopts rules under subsection (1)(b) of this section to update the min-  
 27 imum energy efficiency standards specified in ORS 469.233 or under of subsection (1)(c) of  
 28 this section to postpone the operative dates of the minimum energy efficiency standards  
 29 specified in ORS 469.233, then the Governor shall cause to be introduced at the next Legis-  
 30 lative Assembly a bill to conform the statutory minimum energy efficiency standards and  
 31 operative dates to the minimum energy efficiency standards and operative dates adopted by  
 32 the director by rule.

33 **SECTION 8.** (1) The amendments to ORS 469.233 by section 3 of this 2007 Act become  
 34 operative July 1, 2008.

35 (2) The minimum energy efficiency standards specified in ORS 469.233 (7) do not apply to  
 36 a single-voltage external AC to DC power supply that is made available by a manufacturer  
 37 directly to a consumer or to a service or repair facility, as a service part or spare part, after  
 38 and separate from the original sale of the product requiring the power supply unless the  
 39 single-voltage external AC to DC power supply is made available five or more years after the  
 40 effective date of this 2007 Act.

41 **SECTION 9.** This 2007 Act being necessary for the immediate preservation of the public  
 42 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect  
 43 on its passage.