

H.R. 2454 – American Clean Energy & Security Act (ACES)

Full Text: http://energycommerce.house.gov/Press_111/20090518/hr2454_ans.pdf

Official Summary: http://energycommerce.house.gov/Press_111/20090515/hr2454_summary.pdf

Summary of TITLE II – ENERGY EFFICIENCY

Subtitle A – Building Energy Efficiency Programs

Section 201, Greater Energy Efficiency in Building Codes: Amends the Energy Conservation and Production Act to require the Secretary of Energy to support consensus code-setting organizations to establish building codes achieving 30% and 50% higher energy efficiency targets in 2010 and 2016, respectively, to establish codes directly if such organizations fail to do so, to include cool roofs standards, and to support state and local adoption of such advanced codes by supporting training and funding for energy efficiency code enforcement.

Section 202, Building Retrofit Program: Establishes a program under which the Administrator of EPA, in consultation with the Secretary of Energy, supports development of standards and processes for retrofitting existing residential and nonresidential buildings. Authorizes the Secretary of Energy to provide funding to states to conduct cost-effective building retrofits, using local governments, other agencies or entities to carry out the work, through flexible forms of financial assistance up to 50% of the costs of retrofits, with funding increasing in proportion to efficiency achievement. Also supports retrofits of historic buildings.

Section 203, Energy Efficient Manufactured Homes: Establishes a program to provide federal rebates of up to \$7,500 toward purchases of new Energy Star-rated manufactured homes for low-income families residing in pre-1976 manufactured homes.

Section 204, Building Energy Performance Labeling Program: Establishes an EPA program to develop procedures to label buildings for their energy performance characteristics, using building type and consumption data to be developed by the Energy Information Administration. The program would be implemented by states in a manner suited to increasing public knowledge of building energy performance without hindering real estate transactions.

Subtitle B – Lighting and Appliance Energy Efficiency Programs

Section 211, Lighting Efficiency Standards: Amends the Energy Policy and Conservation Act to adopt negotiated agreements on technical standards for lighting, including outdoor lighting – street lights, parking lot lights, and parking structure lights – and portable light fixtures such as typical household and commercial plug-in lamps.

Section 212, Other Appliance Efficiency Standards: Amends the Energy Policy and Conservation Act to adopt consensus agreements on technical standards for hot food holding cabinets, bottle-type drinking water dispensers, portable spas (hot tubs), and commercial-grade natural gas furnaces.

Section 213, Appliance Efficiency Determinations and Procedures: Amends the Energy Policy and Conservation Act to improve the Department of Energy process for setting energy-efficiency standards by enabling adoption of consensus testing procedures; requiring the adoption of a new

television standard; improving standard-setting cost-effectiveness formula; authorizing the Secretary to obtain product-specific information as needed; authorizing state injunctive enforcement of standards violations; changing the role of appliance efficiency in building codes; and including greenhouse gas emissions, smart grid capability, and availability of more-efficient models among factors affecting efficiency standard ratings.

Section 214, Best-in-Class Appliances Deployment Program: Creates a Department of Energy program to provide rewards to retailers for successful marketing of high-efficiency appliances, designating top performers as “best-in-class,” and providing bonuses based on efficiency improvement compared to average product. Provides additional rewards to retailers when best-in-class sale includes return and recycling of inefficient appliances. Creates program to reward manufacturers of new high-efficiency best-in-class models representing significant incremental energy efficiency gain.

Section 215, Purpose of Energy Star: Provides “Purpose” section for Energy Star provisions clarifying that Energy Star products must be cost-effective, recovering incremental purchase price in expected energy savings during a 3-5 year period.

Dingell Amendment – Sect.195 (Energy Technology Deployment Goals), pg 10, Lines 19-20:

- [To promote] the transformation of the building stock of the US to zero net energy consumption.
- Inslee says that the provision does not set minimum standards for building efficiency, but directs the Administrator to look for technologies that help new buildings achieve “no net energy consumption.”
- (Efficient, insulated windows and skylights are key part in reaching zero net energy consumption).
- Agreed to, 51-6.
- http://energycommerce.house.gov/Press_111/20090519/hr2454_I_D_dingell.pdf

Baldwin Amendment – Directs DOE to provide funding to universities to create Centers for Energy and Environmental Knowledge and Outreach. These centers will coordinate regional green energy initiatives, provide building assessments, identify opportunities to reduce greenhouse gas emissions and promote sustainable business practices. (Agreed to, 30-19)
http://energycommerce.house.gov/Press_111/20090519/hr2454_I_baldwin.pdf

Baldwin Amendment – Directs the DOE to conduct an assessment of electric motors and the electric motor market to determine the magnitude of opportunities to save energy and money by improving the energy efficiency of industrial motor systems. (Agreed to by voice vote)
http://energycommerce.house.gov/Press_111/20090520/hr2454_II_baldwin_2.pdf

Eshoo Amendment – Directs each Federal agency to coordinate with the OMB to create a strategy for the purchase and use of energy efficient information and communications technologies and practices. (Agreed to by voice vote)
http://energycommerce.house.gov/Press_111/20090520/hr2454_II_eshoo.pdf

Baldwin Amendment - Creates an Energy-Efficient Motor Rebate Program to encourage the purchase and installation of high efficiency electrical motors. (Agreed to by voice vote)

http://energycommerce.house.gov/Press_111/20090520/hr2454_II_baldwin_1.pdf

Welch Amendment - Sets the nation's first energy efficiency improvement target. This provision calls for a 2.5 percent annual increase in energy efficiency from 2012 through 2030. (Agreed by voice vote)

http://energycommerce.house.gov/Press_111/20090520/hr2454_II_welch.pdf

Matheson Amendment – Defines building energy efficiency violations. Directs the Administrator to adopt a rule, within three years, what constitutes violations of energy efficiency building codes in this legislation and what penalties shall apply to violators. (Agreed by voice vote)

http://energycommerce.house.gov/Press_111/20090520/hr2454_II_matheson.pdf

Senate – Energy Bill 2009

Building Energy Efficiency

- Draft text: http://energy.senate.gov/public/files/END09796_xml.pdf

6/4/09 Building Efficiency Markup

Summary: The building efficiency language in the 2009 Senate Energy Bill Draft directs the Secretary of Energy to update national model building codes at least every 3 years to improve the energy efficiency of residential and commercial buildings by 30 percent of 2006 levels during or after 2010, and reach a 50 percent level after or during 2016. Each state would have to certify that these building efficiency targets have been met. The bill provides incentives and assistance to states to help them achieve the building efficiency goals.

Opening Statements:

Bingaman: Says that the building efficiency language in this bill establishes model codes for new buildings, provides incentives to retrofit existing buildings and makes more information on energy efficient building to available to consumers. He reiterates that the bill does not mandate labeling programs.

Murkowski: Expresses support for increasing building efficiency but notes that different regions of the country will have different efficiency needs and strategies. She notes that Alaska is the only state to have rejected funds in the stimulus package for weatherization assistance. She noted that many states, such as Alaska, do not have building energy codes in place and it would be hard to get the targets in the bill.

Bingaman offers a perfecting amendment: The bill establishes a grant program to assist with retrofitting buildings to make them more energy efficient. His amendment allocates 20% more funding to retrofit historical buildings.

- The amendment passes without objection but Murkowski was skeptical. She asked how many buildings this increase in funds would apply to, how much would it cost and if this was the best use of funds.

Murkowski offers an amendment to strike the proposed 50% increased energy efficiency by 2016. She says she cannot support a 50% increase in energy efficiency without more data. Her amendment strikes the 30% by 2010 & 50% by 2016 Section 301-1 targets and inserts a 30% increase in building efficiency by 2013. The legislation should be providing targets, not issuing mandates.

- Bingaman says he cannot support Murkowski's amendment. Strong building efficiency codes are critical to conserving energy and reducing greenhouse gases. He notes that the language does not preempt state building codes, unlike the language in the climate and energy bill recently passed by House Energy and Commerce Committee. His bill asks states to certify that they have revised their building codes, which would make them eligible for federal assistance.
- He also notes that the bill's 30% and 50% targets are endorsed by the National Association of Manufacturers (NAM) and the National Chemical Society.
- Murkowski's amendment is defeated by a party line vote of 10-13 (10 yeas, 13 nays).

S.598 – Appliance Standards Improvement Act of 2009

Draft Text:

http://energy.senate.gov/public/_files/ApplianceStandardsImprovementActEND09341031209Final0.pdf

Official Summary:

Sec. 2. Test procedure petition process. Section 2 would amend section 323 of EPCA to require timely DOE response and action on petitions from stakeholders who are seeking revision of the test procedures that are used to measure energy use by consumer products and industrial equipment. The provision would enable more prompt solutions to test method problems, such as refrigerators tested with the ice-maker turned off, or televisions tested using a 1970s era method which does not work for today's digital sets.

Sec. 3. Energy Star Program. Section 3 would amend section 324A of EPCA to strengthen the joint DOE/EPA Energy Star Program by:

- 1) Interagency agreement: Requiring EPA and DOE to update their interagency agreement to improve cooperation including: a delineation of roles and responsibilities, formal decision-making and dispute resolution, planning, and third-party program review.
- 2) Automatic and periodic market share review: Requiring EPA and DOE to review Energy Star market share every 3 years, or when Energy Star designated products achieve 35% market share, and if justified, update the Energy Star specification level.
- 3) Verification: Requiring third-party verification of the testing of qualified products.

4) Building Audit methods: Developing and publishing standardized building audits methods to encourage standardization of building auditing among the federal and state agencies, counties and utilities, and private businesses who conduct such audits.

5) Authorizations: Authorizations for the DOE and EPA Energy Star programs.

Sec. 4. Petition for amended standards. Section 4 would amend section 325 of EPCA to establish a 180 day deadline for DOE to grant or deny a petition from stakeholders seeking to establish new or amended product efficiency standards. This would facilitate action by DOE which has shown a pattern of being unreasonably slow to respond to stakeholder input.

Sec. 5. Portable light fixtures. Section 5 would amend sections 321 and 325 of EPCA to establish minimum energy efficiency for portable light fixtures (table and floor lamps). This provision would add new consensus standards to the law which, in this case, were developed through a rulemaking process in California. Since enactment of the National Appliance Energy Conservation Act in 1987, it has been the practice of Congress and DOE to support Federal adoption of consensus agreements on standards reached among key industry and energy efficiency advocacy groups.

Sec. 6. GU-24 base lamps. Section 6 would further amend sections 321 and 325 of EPCA in conjunction with section 5 to phase out the use of incandescent light bulbs in portable light fixtures.

Sec. 7. Study of compliance with energy standards for appliances. Section 7 would require DOE to conduct a study and report to Congress on the degree of compliance with energy standards for appliances, including an investigation of compliance rates and options for improving compliance. There has never been a comprehensive study evaluating compliance with these federal standards.

Sec. 8. Study of direct current (DC) electricity supply in certain buildings. Section 8 would require DOE to conduct a study and report to Congress on the costs and benefits of requiring DC electricity supply in buildings. Some experts see an opportunity for increased efficiency by supplying DC because of fast growth in its use in computers, battery chargers, and other “plug in” products. However, DC must be transformed, at significant energy loss, from AC supplies. This study would provide expert opinion on whether there are significant savings and a Federal role in promoting DC supplies.

Sec. 9 Motor market assessment and commercial awareness program. Section 9 would require DOE to assess electric motors and the electric motor market, estimate opportunities for improving motor efficiency, develop an updated profile of motor system purchase and maintenance practices, and establish a national program to educate motor end-users on energy and cost-saving opportunities.

3/31/09 Appliance Efficiency Markup:

Approved Amendments:

1. Joint Staff Amendment :
 - a. Makes technical changes.
 - b. <http://energy.senate.gov/public/files/JOINTSTAFFEND09456033009.pdf>
2. Lincoln Amendment:
 - a. Directs the Secretary of Energy to establish a rebate program for the purchase and installation of a new electric motor that has at minimum nominal full load efficiency.
 - b. <http://energy.senate.gov/public/files/LINCOLNmotorrebateCAM09277033009.pdf>
3. Menendez Amendment:
 - a. Directs the Secretary of Energy to publish a final rule establishing standards for incandescent reflector lamp types.
 - b. <http://energy.senate.gov/public/files/MenendezAmendment2BRLampExemptionText0.pdf>
4. Menendez Amendment:
 - a. Seeks a study on creating a new “superstar” rating in the Energy Star system.
 - b. <http://energy.senate.gov/public/files/MenendezAmendment4EnergySuperstarText.pdf>
5. Udall Amendment:
 - a. Establishes stricter standards for commercial furnaces.
 - b. <http://energy.senate.gov/public/files/UDALLAmendmentonCommercialfurnacesEND09457033009.pdf>