

117TH CONGRESS
1ST SESSION

H. R. 2975

To amend the Energy Policy and Conservation Act to modify the definition of water heater under energy conservation standards, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2021

Mrs. DINGELL introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To amend the Energy Policy and Conservation Act to modify the definition of water heater under energy conservation standards, and for other purposes.

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. WATER HEATERS.**

4 (a) DEFINITION OF WATER HEATER.—Section 321
5 of the Energy Policy and Conservation Act (42 U.S.C.
6 6291) is amended by striking paragraph (27) and insert-
7 ing the following:

8 “(27) WATER HEATER.—

9 “(A) IN GENERAL.—The term ‘water heat-
10 er’ means a product that utilizes oil, gas, or

1 electricity to heat potable water for use outside
2 the heater on demand, including—

3 “(i) storage type units that heat and
4 store water at a thermostatically controlled
5 temperature, including—

6 “(I) gas storage water heaters
7 with an input of 75,000 Btu per hour
8 or less, including heat pump type
9 units that meet the current and volt-
10 age limits under clause (iii);

11 “(II) oil storage water heaters
12 with an input of 105,000 Btu per
13 hour or less; and

14 “(III) electric storage water heat-
15 ers with an input of 12 kilowatts or
16 less, including heat pump type units
17 that meet the current and voltage lim-
18 its under clause (iii);

19 “(ii)(I) instantaneous type units that
20 heat water but contain not more than 1
21 gallon of water per 4,000 Btu per hour of
22 input; and

23 “(II) in the case of—

24 “(aa) gas instantaneous water
25 heaters, have an input of 200,000 Btu

1 per hour or less and are designed and
2 marketed to provide outlet hot water
3 at a thermostatically controlled tem-
4 perature of less than 180 degrees
5 Fahrenheit;

6 “(bb) oil instantaneous water
7 heaters, have an input of 210,000 Btu
8 per hour or less; and

9 “(cc) electric instantaneous water
10 heaters, have an input of 12 kilowatts
11 or less;

12 “(iii) heat pump type units (including
13 add-on heat pumps, integrated heat pumps
14 with storage, split-system heat pumps that
15 consist of a separate heat pump and stor-
16 age tank that are designed and marketed
17 to operate together, and all ancillary equip-
18 ment, such as fans, storage tanks, pumps,
19 electric resistance heating elements, or
20 controls necessary for the device to per-
21 form its function) that—

22 “(I) have a maximum current
23 rating of 24 amperes at a voltage not
24 greater than 250 volts; and

1 “(II) are designed to transfer
2 thermal energy from 1 temperature
3 level to a different temperature level
4 for the purpose of heating water;

5 “(iv) solar thermal-assisted electric
6 storage units; and

7 “(v) solar thermal-assisted fossil fuel
8 storage units.

9 “(B) EXCLUSIONS.—Unless otherwise de-
10 termined by the Secretary under section
11 325(e)(7)(B), the term ‘water heater’ does not
12 include—

13 “(i) electric storage type units de-
14 scribed in subparagraph (A)(i)(III) that—

15 “(I) are designed and marketed
16 exclusively for commercial building
17 applications; and

18 “(II)(aa) are designed, con-
19 structed, inspected, tested, and
20 stamped in accordance with Section
21 IV, Part HLW, or Section X of the
22 Boiler and Pressure Vessel Code pro-
23 mulgated by the American Society of
24 Mechanical Engineers;

1 “(bb) exclusively use 3-phase
2 electricity, are designed and marketed
3 to provide outlet hot water at a
4 thermostatically controlled tempera-
5 ture of 180 degrees Fahrenheit or
6 greater, and operate only at rated
7 voltages of not less than 208 volts; or

8 “(cc) exclusively use single-phase
9 electricity, are designed and marketed
10 to provide outlet hot water at a
11 thermostatically controlled tempera-
12 ture of 180 degrees Fahrenheit or
13 greater, and operate only at a rated
14 voltage of 277 volts; or

15 “(ii) gas storage type units described
16 in subparagraph (A)(i)(I) that—

17 “(I) are designed and marketed
18 exclusively for commercial building
19 applications; and

20 “(II) are designed, constructed,
21 inspected, tested, and stamped in ac-
22 cordance with Section IV, Part HLW,
23 of the Boiler and Pressure Vessel
24 Code promulgated by the American
25 Society of Mechanical Engineers.

1 “(C) MULTI-INPUT ELECTRIC STORAGE
2 WATER HEATER.—The term ‘multi-input elec-
3 tric storage water heater’ means a product
4 that—

5 “(i) is not a heat pump type unit de-
6 scribed in subparagraph (A)(iii); and

7 “(ii) is designed, marketed, or shipped
8 from the manufacturer with a capability of
9 operating or being configured to operate at
10 inputs greater than, equal to, or below 12
11 kilowatts.

12 “(D) SOLAR THERMAL-ASSISTED ELECTRIC
13 STORAGE UNIT.—The term ‘solar thermal-as-
14 sisted electric storage unit’ means a unit that—

15 “(i) has an input of 12 kilowatts or
16 less;

17 “(ii) has at least 2 dedicated ports in
18 addition to the ports used for introduction
19 and delivery of potable water for the sup-
20 ply and return of water or a heat transfer
21 fluid heated externally by solar panels;

22 “(iii) does not have electric resistance
23 heating elements located in the lower half
24 of the storage tank;

1 “(iv) has the temperature sensing de-
 2 vice that controls the auxiliary electric heat
 3 source located in the upper half of the
 4 storage tank; and

5 “(v) has a ratio of less than 0.70 for
 6 the proportion that the certified first hour
 7 rating bears to the nominal volume of the
 8 storage tank tested without solar energy
 9 input.”.

10 (b) STANDARDS FOR WATER HEATERS.—Section
 11 325(e) of the Energy Policy and Conservation Act (42
 12 U.S.C. 6295(e)) is amended by adding at the end the fol-
 13 lowing:

14 “(7) EXEMPTED WATER HEATERS.—

15 “(A) DEFINITION OF EXEMPTED WATER
 16 HEATER.—In this paragraph, the term ‘exempt-
 17 ed water heater’ means a water heater de-
 18 scribed in section 321(27)(B).

19 “(B) MONITORING OF SHIPMENTS.—

20 “(i) SUBMISSION OF DATA.—Not later
 21 than 90 days after the date of enactment
 22 of this paragraph, and not later than May
 23 1 of each year thereafter, the Secretary
 24 shall require each manufacturer of water
 25 heaters to report to the Secretary the

1 quantity of exempted water heaters, in
2 each category of exempted water heaters,
3 that the manufacturer shipped in the pre-
4 ceding calendar year.

5 “(ii) CONFIDENTIALITY REQUIRE-
6 MENTS.—The Secretary shall treat ship-
7 ment data reported by manufacturers
8 under clause (i) as confidential business in-
9 formation subject to appropriate confiden-
10 tial data safeguards.

11 “(iii) PUBLICATION.—

12 “(I) BASELINE SHIPMENT
13 DATA.—Not later than 120 days after
14 the date of enactment of this para-
15 graph, the Secretary shall publish an
16 analysis of the data collected under
17 clause (i) for public comment, subject
18 to applicable confidentiality safe-
19 guards, which shall serve as the base-
20 line data for the analysis described in
21 subclause (II)(bb).

22 “(II) PERCENTAGE GROWTH
23 FROM BASELINE.—Not later than
24 June 1 of each year after the year in
25 which the Secretary publishes data

1 under subclause (I), the Secretary
2 shall publish—

3 “(aa) an analysis of the data
4 collected under clause (i) for pub-
5 lic comment, subject to applicable
6 confidentiality safeguards;

7 “(bb) the percentage growth
8 in the number of shipments with-
9 in each category of exempted
10 water heater relative to the base-
11 line data described in subclause
12 (I); and

13 “(cc) the determination of
14 the Secretary as to whether the
15 number of shipments for any cat-
16 egory of exempted water heater
17 have increased by more than 25
18 percent compared to the baseline
19 data for that category.

20 “(C) INCLUSION OF EXEMPTED WATER
21 HEATERS.—

22 “(i) IN GENERAL.—The Secretary
23 shall, by regulation, revise the definition of
24 water heater under section 321(27) to in-
25 clude an exempted water heater under sub-

1 paragraph (A) of that section if the Sec-
2 retary makes an affirmative determination
3 under subparagraph (B)(iii)(II)(cc) for
4 that category of exempted water heater.

5 “(ii) ENERGY CONSERVATION STAND-
6 ARDS.—Any category of exempted water
7 heater included in the definition of water
8 heater under clause (i) shall be required to
9 meet the energy conservation standards
10 applicable to an electric or gas storage type
11 water heater under this part.

12 “(iii) EFFECTIVE DATE.—For any
13 category of exempted water heater, the
14 Secretary shall carry out clause (i), and re-
15 quire compliance under clause (ii), not
16 later than 1 year after the date on which
17 the Secretary makes the affirmative deter-
18 mination described in clause (i) for that
19 category.

20 “(8) STANDARDS FOR MULTI-INPUT ELECTRIC
21 STORAGE WATER HEATERS.—A multi-input electric
22 storage water heater shall be subject to the test pro-
23 cedures, energy conservation standards, labeling (if
24 applicable), and certification requirements—

1 “(A) for electric storage water heaters
2 under this part; and

3 “(B) for storage water heaters under part
4 C.

5 “(9) TECHNOLOGY-NEUTRAL ELECTRIC STOR-
6 AGE WATER HEATER STANDARDS.—Notwithstanding
7 any other provision of this Act, the Secretary may
8 not create separate product classes for heat pump
9 water heaters and other electric storage water heat-
10 ers.”.

11 (c) DEFINITION OF COMMERCIAL WATER HEATER.—
12 Section 340 of the Energy Policy and Conservation Act
13 (42 U.S.C. 6311) is amended by striking paragraph (12)
14 and inserting the following:

15 “(12)(A) STORAGE WATER HEATER.—

16 “(i) IN GENERAL.—The term ‘storage
17 water heater’ means a water heater that—

18 “(I) heats and stores water within an
19 appliance at a thermostatically controlled
20 temperature for delivery on demand; and

21 “(II) is not a water heater described
22 in section 321(27)(A).

23 “(ii) EXCLUSION.—The term ‘storage
24 water heater’ does not include a unit with an

1 input rating of 4,000 Btu per hour or more per
2 gallon of stored water.

3 “(B) INSTANTANEOUS WATER HEATER.—The
4 term ‘instantaneous water heater’ means a water
5 heater that—

6 “(i) has an input rating of at least 4,000
7 Btu per hour per gallon of stored water; and

8 “(ii) is not a water heater described in sec-
9 tion 321(27)(A).

10 “(C) UNFIRED HOT WATER STORAGE TANK.—
11 The term ‘unfired hot water storage tank’ means a
12 tank used to store water that is heated externally.”.

13 (d) LABELING REQUIREMENTS.—Section 344 of the
14 Energy Policy and Conservation Act (42 U.S.C. 6315) is
15 amended by adding at the end the following:

16 “(1) LABELS FOR CERTAIN COMMERCIAL WATER
17 HEATERS.—

18 “(1) IN GENERAL.—Notwithstanding any other
19 provision of this section, water heaters described in
20 section 321(27)(B) shall be required to bear a per-
21 manent label, applied at the point of manufacture,
22 that, subject to paragraph (3), satisfies the require-
23 ments described in paragraph (2).

24 “(2) REQUIREMENTS.—A label required under
25 paragraph (1) shall—

1 “(A) be made of material not adversely af-
2 fected by water;

3 “(B) be attached by means of nonwater-
4 soluble adhesive; and

5 “(C) bear the following notice printed in
6 16.5 point Arial Narrow Bold font: ‘IMPOR-
7 TANT INFORMATION: Exclusively intended
8 for commercial installations. This model is not
9 certified by the U.S. Department of Energy as
10 a residential water heater. This model does not
11 have a certified First Hour or UEF rating.’.

12 “(3) REVISION UPON PETITION.—On receipt of
13 a petition by an interested party, the Secretary may
14 conduct a rulemaking to revise the scope and re-
15 quirements of the label required under paragraph
16 (1).”.

17 (e) EFFECTIVE DATE.—This section and the amend-
18 ments made by this section shall take effect 180 days after
19 the date of enactment of this Act.

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