

NY CLS Energy § 16-104

Current through 2024 released Chapters 1-59, 61-117

New York Consolidated Laws Service > Energy Law (Arts. 1 — 21) > Article 16 Appliance and Equipment Efficiency Standards (§§ 16-102 — 16-120)

§ 16-104. Applicability, conduct prohibited.

1. The provisions of this article apply to the establishment of, testing for compliance with, certification of compliance with, and enforcement of efficiency standards for the following new products which are sold, or offered for sale, leased or offered for lease, rented or offered for rent or installed or offered to install in New York state unless preempting federal appliance standards are in effect: (a) automatic commercial ice cube machines; (b) ceiling fan light kits; (c) commercial pre-rinse spray valves; (d) commercial refrigerators, freezers and refrigerator-freezers; (e) consumer audio and video products; (f) illuminated exit signs; (g) incandescent reflector lamps; (h) very large commercial packaged air-conditioning and heating equipment; (i) metal halide lamp fixtures; (j) pedestrian traffic signal modules; (k) power supplies; (l) torchiere lighting fixtures; (m) unit heaters; (n) vehicular traffic signal modules; (o) portable light fixtures; (p) bottle-type water dispensers; (q) commercial hot food holding cabinets; (r) portable electric spas; (s) replacement dedicated-purpose pool pump motors; (t) air compressors; (u) air purifiers; (v) commercial dishwashers; (w) commercial fryers; (x) commercial steam cookers; (y) computers and computer monitors; (z) general service lamps; (aa) federally exempt fluorescent lamps; (bb) portable air conditioners; (cc) residential ventilating fans; (dd) telephones; (ee) faucets; (ff) showerheads; (gg) urinals; (hh) water closets; (ii) sprinkler bodies; (jj) uninterruptable power supplies; (kk) light emitting diode lamps; (ll) electric vehicle supply equipment; (mm) commercial battery charger systems; (nn) commercial ovens; (oo) commercial clothes dryers; (pp) commercial and industrial fans and blowers; (qq) imaging equipment; (rr) landscape irrigation controllers; (ss) outdoor lighting; (tt) plug-in luminous signs; (uu) small network equipment; (vv) tub spout diverters; (ww) commercial hot food holding cabinets; (xx) gas fireplaces; (yy) products for which efficiency standards shall have been established pursuant to paragraph (b) or (c) of subdivision one of section 16-106 of this article; and (zz) products that had been subject to any federal efficiency standard referred to in section 16-105 of this article that have been continued in this state pursuant to such section.

2. No person shall sell or offer for sale, lease or offer to lease, or rent or offer to rent, or install or offer to install in New York state any new product of the types enumerated in paragraphs (a) through (xx) of subdivision one of this section, or any new product for which efficiency standards shall have been established pursuant to paragraph (b) or (c) of subdivision one of section 16-106 of this article, or any new product that is subject to any federal efficiency standard that shall have been continued in this state pursuant to section 16-105 of this article, unless:

- (a) it meets the efficiency standards applicable to such product as of the date of manufacture of such product or as of such other date as may be determined in accordance with the regulation establishing the standard for such product; and
- (b) if required by regulations adopted pursuant to this article, the manufacturer of such product certifies that the product meets said efficiency standards. As used within this subdivision, reference to any new product means any individual product subject to the requirements of this article.
3. The prohibitions contained in subdivision two of this section shall not apply to:
- (a) products manufactured in the state and sold outside the state;
- (b) products manufactured outside the state and sold at wholesale inside the state for final retail sale outside the state;
- (c) products installed in manufactured homes at the time of construction;
- (d) products designed expressly for installation and use in recreational vehicles; or
- (e) urinals and water closets designed and marketed exclusively for use at prisons or mental health care facilities.
4. The adoption of efficiency standards for any water-related appliances, equipment or fixtures shall be subject to approval by the commissioner of environmental conservation. Any such standard which would conflict with the provisions of section 15-0314 of the environmental conservation law shall not take effect until and unless waived by the commissioner of environmental conservation.
5. In adopting the flexible demand appliance standards, the New York state energy research and development authority shall consider the National Institute of Standards and Technology reliability and cybersecurity protocols, relevant New York cybersecurity laws, regulations, and advisories, or other cybersecurity protocols that are equally or more protective, and shall adopt, at a minimum, the North American Electric Reliability Corporation's Critical Infrastructure Protection standards.

History

Add, L 2005, ch 431, § 2, eff Aug 3, 2005; amd, L 2010, ch 222, § 2, eff July 15, 2010; L 2022, ch 374, § 14, effective January 1, 2023.