

AMENDMENT TO
RULES COMMITTEE PRINT 116-63
OFFERED BY MRS. DINGELL OF MICHIGAN

At the end of subtitle H of title I, add the following:

1 **SEC. 1806. WATER HEATERS.**

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

6 “(27) WATER HEATER.—

7 “(A) IN GENERAL.—The term ‘water heat-
8 er’ means a product that utilizes oil, gas, or
9 electricity to heat potable water for use outside
10 the heater on demand, including—

11 “(i) storage type units that heat and
12 store water at a thermostatically controlled
13 temperature, including—

14 “(I) gas storage water heaters
15 with an input of 75,000 Btu per hour
16 or less, including heat pump type
17 units that meet the current and volt-
18 age limits under clause (iii);

1 “(II) oil storage water heaters
2 with an input of 105,000 Btu per
3 hour or less; and

4 “(III) electric storage water heat-
5 ers with an input of 12 kilowatts or
6 less, including heat pump type units
7 that meet the current and voltage lim-
8 its under clause (iii);

9 “(ii)(I) instantaneous type units that
10 heat water but contain not more than 1
11 gallon of water per 4,000 Btu per hour of
12 input; and

13 “(II) in the case of—

14 “(aa) gas instantaneous
15 water heaters, have an input of
16 200,000 Btu per hour or less and
17 are designed and marketed to
18 provide outlet hot water at a
19 thermostatically controlled tem-
20 perature of less than 180 degrees
21 Fahrenheit;

22 “(bb) oil instantaneous
23 water heaters, have an input of
24 210,000 Btu per hour or less;
25 and

1 “(cc) electric instantaneous
2 water heaters, have an input of
3 12 kilowatts or less;

4 “(iii) heat pump type units (including
5 add-on heat pumps, integrated heat pumps
6 with storage, split-system heat pumps that
7 consist of a separate heat pump and stor-
8 age tank that are designed and marketed
9 to operate together, and all ancillary equip-
10 ment, such as fans, storage tanks, pumps,
11 electric resistance heating elements, or
12 controls necessary for the device to per-
13 form its function) that—

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

17 “(II) are designed to transfer
18 thermal energy from 1 temperature
19 level to a different temperature level
20 for the purpose of heating water;

21 “(iv) solar thermal-assisted electric
22 storage units; and

23 “(v) solar thermal-assisted fossil fuel
24 storage units.

1 “(B) EXCLUSIONS.—Unless otherwise de-
2 termined by the Secretary under section
3 325(e)(7)(B), the term ‘water heater’ does not
4 include—

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

7 “(I) are designed and marketed
8 exclusively for commercial building
9 applications; and

10 “(II)(aa) are designed, con-
11 structed, inspected, tested, and
12 stamped in accordance with Section
13 IV, Part HLW, or Section X of the
14 Boiler and Pressure Vessel Code pro-
15 mulgated by the American Society of
16 Mechanical Engineers;

17 “(bb) exclusively use 3-phase
18 electricity, are designed and mar-
19 keted to provide outlet hot water
20 at a thermostatically controlled
21 temperature of 180 degrees
22 Fahrenheit or greater, and oper-
23 ate only at rated voltages of not
24 less than 208 volts; or

1 “(cc) exclusively use single-
2 phase electricity, are designed
3 and marketed to provide outlet
4 hot water at a thermostatically
5 controlled temperature of 180 de-
6 grees Fahrenheit or greater, and
7 operate only at a rated voltage of
8 277 volts; or

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

11 “(I) are designed and marketed
12 exclusively for commercial building
13 applications; and

14 “(II) are designed, constructed,
15 inspected, tested, and stamped in ac-
16 cordance with Section IV, Part HLW,
17 of the Boiler and Pressure Vessel
18 Code promulgated by the American
19 Society of Mechanical Engineers.

20 “(C) MULTI-INPUT ELECTRIC STORAGE
21 WATER HEATER.—The term ‘multi-input elec-
22 tric storage water heater’ means a product
23 that—

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

1 “(ii) is designed, marketed, or shipped
2 from the manufacturer with a capability of
3 operating or being configured to operate at
4 inputs greater than, equal to, or below 12
5 kilowatts.

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

9 “(i) has an input of 12 kilowatts or
10 less;

11 “(ii) has at least 2 dedicated ports in
12 addition to the ports used for introduction
13 and delivery of potable water for the sup-
14 ply and return of water or a heat transfer
15 fluid heated externally by solar panels;

16 “(iii) does not have electric resistance
17 heating elements located in the lower half
18 of the storage tank;

19 “(iv) has the temperature sensing de-
20 vice that controls the auxiliary electric heat
21 source located in the upper half of the
22 storage tank; and

23 “(v) has a ratio of less than 0.70 for
24 the proportion that the certified first hour

1 rating bears to the nominal volume of the
2 storage tank.”.

3 (b) STANDARDS FOR WATER HEATERS.—Section
4 325(e) of the Energy Policy and Conservation Act (42
5 U.S.C. 6295(e)) is amended by adding at the end the fol-
6 lowing:

7 “(7) EXEMPTED WATER HEATERS.—

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

12 “(B) MONITORING OF SHIPMENTS.—

13 “(i) SUBMISSION OF DATA.—Not later
14 than 90 days after the date of enactment
15 of this paragraph, and not later than May
16 1 of each year thereafter, the Secretary
17 shall require each manufacturer of water
18 heaters to report to the Secretary the
19 quantity of exempted water heaters, in
20 each category of exempted water heaters,
21 that the manufacturer shipped in the pre-
22 ceding calendar year.

23 “(ii) CONFIDENTIALITY REQUIRE-
24 MENTS.—The Secretary shall treat ship-
25 ment data reported by manufacturers

1 under clause (i) as confidential business in-
2 formation subject to appropriate confiden-
3 tial data safeguards.

4 “(iii) PUBLICATION.—

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

15 “(II) PERCENTAGE GROWTH
16 FROM BASELINE.—Not later than
17 June 1 of each year after the year in
18 which the Secretary publishes data
19 under subclause (I), the Secretary
20 shall publish—

21 “(aa) an analysis of the data
22 collected under clause (i) for pub-
23 lic comment, subject to applicable
24 confidentiality safeguards;

1 “(bb) the percentage growth
2 in the number of shipments with-
3 in each category of exempted
4 water heater relative to the base-
5 line data described in subclause
6 (I); and

7 “(cc) the determination of
8 the Secretary as to whether the
9 number of shipments for any cat-
10 egory of exempted water heater
11 have increased by more than 25
12 percent compared to the baseline
13 data for that category.

14 “(C) INCLUSION OF EXEMPTED WATER
15 HEATERS.—

16 “(i) IN GENERAL.—The Secretary
17 shall, by regulation, revise the definition of
18 water heater under section 321(27) to in-
19 clude an exempted water heater under sub-
20 paragraph (A) of that section if the Sec-
21 retary makes an affirmative determination
22 under subparagraph (B)(iii)(II)(cc) for
23 that category of exempted water heater.

24 “(ii) ENERGY CONSERVATION STAND-
25 ARDS.—Any category of exempted water

1 heater included in the definition of water
2 heater under clause (i) shall be required to
3 meet the energy conservation standards
4 applicable to an electric or gas storage type
5 water heater under this part.

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

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

19 “(A) for electric storage water heaters
20 under this part; and

21 “(B) for storage water heaters under part
22 C.

23 “(9) TECHNOLOGY-NEUTRAL ELECTRIC STOR-
24 AGE WATER HEATER STANDARDS.—Notwithstanding
25 any other provision of this Act, the Secretary may

1 not create separate product classes for heat pump
2 water heaters and other electric storage water heat-
3 ers.”.

4 (c) DEFINITION OF COMMERCIAL WATER HEATER.—
5 Section 340 of the Energy Policy and Conservation Act
6 (42 U.S.C. 6311) is amended by striking paragraph (12)
7 and inserting the following:

8 “(12)(A) STORAGE WATER HEATER.—

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

11 “(I) heats and stores water with-
12 in an appliance at a thermostatically
13 controlled temperature for delivery on
14 demand; and

15 “(II) is not a water heater de-
16 scribed in section 321(27)(A).

17 “(ii) EXCLUSION.—The term ‘storage
18 water heater’ does not include a unit with
19 an input rating of 4,000 Btu per hour or
20 more per gallon of stored water.

21 “(B) INSTANTANEOUS WATER HEATER.—
22 The term ‘instantaneous water heater’ means a
23 water heater that—

1 “(i) has an input rating of at least
2 4,000 Btu per hour per gallon of stored
3 water; and

4 “(ii) is not a water heater described in
5 section 321(27)(A).

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

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

13 “(1) LABELS FOR CERTAIN COMMERCIAL WATER
14 HEATERS.—

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

21 “(2) REQUIREMENTS.—A label required under
22 paragraph (1) shall—

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

1 “(B) be attached by means of nonwater-
2 soluble adhesive; and

3 “(C) bear the following notice printed in
4 16.5 point Arial Narrow Bold font: ‘IMPOR-
5 TANT INFORMATION: Exclusively intended
6 for commercial installations. This model is not
7 certified by the U.S. Department of Energy as
8 a residential water heater. This model does not
9 have a certified First Hour or UEF rating.’.

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

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

