REGIONAL EVALUATION, MEASUREMENT & VERIFICATION FORUM

Regional EMV Forum and NEEP Public Policy Workshop: Roadmap to Claiming Savings from Building Energy Codes and Appliance Standards
September 28, 2010

Survey of Appliance Standards Activities in the Northeast (since 2003)

	Successful State Legislative Activity (year)	State Agency w/ Implementation Responsibility	Advocate Involvement (at State level)	Rate-payer Program Involvement (at State/Federal level)
Maine		Public Utility Commission (PUC)	NEEP, ENE, ASAP, ACEEE	Efficiency Maine (federal)
New Hampshire	2008	Public Utility Commission (PUC)	NEEP, ENE, ASAP, ACEEE	
Vermont	2006	Public Service Commission (PSC)	NEEP, VT PIRG, ENE, ASAP, ACEEE	Efficiency Vermont (federal)
Massachusetts	2005	Division of Energy Resources (DOER)	NEEP, ENE, NCLC, Environment MA, CLF, ASAP, ACEEE, NRDC	National Grid/ NSTAR/Cape Light Compact/WMECO/ etc. (state/federal)
Rhode Island	2005/2006	Office of Energy Resources (OER)	NEEP, ENE, Environment RI, ASAP, ACEEE	National Grid (federal)
Connecticut	2004/2007	Office of Policy and Management (OPM)/ Department of Public Utility Control (DPUC)*	NEEP, CT Fund for the Environment, Sierra Club, ENE, ASAP, ACEEE, NRDC	CL&P (state/federal) UI (federal)
New York	2005/2010	Department of State (DOS)/ New York State Energy Research and Development Authority (NYSERDA)	NEEP, PACE Energy and Climate Center, ASAP, ACEEE, NRDC	NYSERDA (federal)
New Jersey	2005	Board of Public Utilities (BPU)	NEEP, Environment NJ, ASAP, ACEEE	PSE&G (state)
Pennsylvania		Department of Environmental Protection (DEP)	NEEP, Penn Future, Penn Environment, ASAP, ACEEE	
Maryland	2004/2007	Maryland Energy Administration (MEA)	NEEP, Environment MD, Sierra Club, IMT, ASAP, ACEEE, NRDC	BG&E/Pepco (state/federal)
Washington D.C	2007	Public Service Commission (PSC)	NEEP, IMT, ASAP, ACEEE	
Delaware				

* Connecticut's Office of Policy and Management (OPM), with consultation from the Department of Public Utility Control (DPUC), has the authority to develop and revise state appliance standards, regardless of legislative direction.

For a detailed summary of Northeast states and the products for which standards have been adopted, visit; ASAP's State Summary

REGION

The Northeast States Minimum Efficiency Standards Project, facilitated by the Northeast Energy Efficiency Partnerships (NEEP), is made up of a group of advocacy organizations that have been working collaboratively to promote both state-based and federal appliance standards since 2003. Project members have included;

- Appliance Standards Awareness Project (ASAP)
- American Council for an Energy Efficient Economy (ACEEE)
- Natural Resources Defense Council (NRDC)
- Environment Northeast (ENE)
- National Consumer Law Center (NCLC)
- Environment America

NEEP's ability to play an active role in standards is made possible by foundation grants as well as sponsorship from the region's rate-payer efficiency programs.

MAINE

State regulatory authority
No agency in the state government has the authority to develop/revise state appliance standards unilaterally. Maine's Public Utility Commission (PUC) is responsible for implementing/enforcing any standards adopted legislatively.

Legislative activity
In 2005, a bill which included standards for a package of products was narrowly defeated. The bill was highly contentious and left many stakeholders wary of introducing future standards.

Advocate/NGO Activity
ENE, NEEP, ACEEE and ASAP worked to promote the 2005 bill by submitting both oral and written testimony supporting the legislation. They worked in coordination to build a coalition of additional supporters.

Rate-payer Efficiency Program activity
The statewide efficiency program, Efficiency Maine, has not actively promoted minimum efficiency standards. The program has participated indirectly by supporting NEEP's Standards Project.

NEW HAMPSHIRE

State regulatory authority
No agency in the state government has the authority to develop/revise state appliance standards unilaterally. New Hampshire Public Utility Commission (PUC) is responsible for implementing/enforcing appliance standards when adopted legislatively. New Hampshire's Office of Energy and Planning has expressed interest in appliance standards and has endorsed both legislative activities inside New Hampshire, as well as supported group comment letters on federal rulemakings drafted by NEEP.

Legislative activity
In 2008, the New Hampshire legislature passed legislation adopting standards for a small package of products, including gas furnaces (which are preempted by federal standards). The PUC is currently deciding whether to petition the DOE for a waiver from preemption in order to implement the states more aggressive standard.

Advocate/NGO Activity
NEEP, ACEEE, ASAP and ENE worked to promote the 2008 bill by submitting both oral testimony and written testimony supporting the legislation. They worked in coordination to build a coalition of

additional supporters.
Rate-payer Efficiency Program activity Not aware of program involvement

VERMONT

State regulatory authority No agency in the state government has the authority to develop/revise state appliance standards unilaterally. Vermont Public Service Commission (PSC) is the agency that is responsible for implementing/enforcing standards that are adopted legislatively.
Legislative activity The Vermont legislature passed legislation in 2006 adopting a small package of appliance standards, including standards for two products preempted by federal standards (gas furnaces and transformers)
Advocate/NGO Activity NEEP, ACEEE, ASAP and Vermont PIRG worked to promote the 2006 bill by submitting both oral testimony and written testimony supporting the legislation. They worked in coordination to build a coalition of additional supporters.
Rate-payer Efficiency Program activity The state's efficiency utility, Efficiency Vermont, has not actively promoted minimum efficiency standards. The program has participated indirectly by supporting NEEP's Standards Project.

MASSACHUSETTS

State regulatory authority No agency in the state government has the authority to develop/revise state appliance standards unilaterally. Massachusetts Division of Energy Resources (DOER) would be responsible for implementing/enforcing any standards adopted legislatively.
Legislative activity In 2005, the Massachusetts legislature passed legislation, adopting a package of standards that included gas furnaces which were a preempted product. In order to implement this preempted standard, the Attorney General's Office in partnership with the DOER, developed a petition for a waiver from federal preemption and submitted it in 2009. The state expects a ruling from DOE by the October 6, 2010 deadline. Another standards bill was introduced in 2009 and is still pending.
Advocate/NGO Activity Several organizations have been involved in supporting both the successful 2005 bill, as well as an ongoing effort to see a new bill adopted; NEEP, NCLC, ACEEE, ASAP, Environment Massachusetts, ENE, Consumer Law Foundation (CLF), NRDC, as well as several of the utility companies (see below). The development of the furnace waiver was supported by NCLC and NEEP.
Rate-payer Efficiency Program activity During both legislative efforts and the state's submission of the waiver petition, a number of utilities (through efficiency program staff) provided direct advocacy support, including National Grid, NSTAR, Cape Light Compact, Western Mass Electric, Unitil, Berkshire Gas, Northeast Gas, and Baystate Gas. Most support has taken the form of written testimony (See link above to petition for testimony). As part of the 2010 Draft Plan for Massachusetts residential efficiency programs, a savings metric involving Set-Top Box standards/regulations was included. The metric was removed from the Final Plan. This draft metric demonstrates an interest on the part of the efficiency programs and their advisors to broaden programmatic activities into the realm of mandatory standards and regulatory alternatives. Federal Process- Many of the efficiency programs have additionally signed onto joint comment letters,

developed by NEEP, throughout various federal rulemaking processes.

The Massachusetts programs also participate indirectly by supporting NEEP's Standards Project.

RHODE ISLAND

State regulatory authority
No agency in the state government has the authority to develop/revise state appliance standards unilaterally. Rhode Island Office of Energy Resources (OER) is responsible for implementing/enforcing any standards adopted legislatively.

Legislative activity
The Rhode Island legislature successfully passed legislation in 2005 and 2006 adopting appliance standards.

Advocate/NGO Activity
NEEP, ACEEE, ASAP, ENE, and Environment Rhode Island worked to promote the 2005 and 2006 bills by submitting both oral testimony and written testimony supporting the legislation. They worked in coordination to build a coalition of additional supporters.

Rate-payer Efficiency Program activity
National Grid (formerly Narragansett Electric), through written testimony, supported both successful legislative efforts.
Federal Process- They have also signed onto joint comment letters, developed by NEEP, throughout various federal rulemaking processes.
The Rhode Island efficiency programs also participate indirectly by supporting NEEP's Standards Project.

CONNECTICUT

State regulatory authority
Connecticut's Office of Policy and Management (OPM), with consultation from the Department of Public Utility Control (DPUC), has the authority to develop and revise state appliance standards. It is then the responsibility of the DPUC to implement/enforce any standards adopted through this process or legislatively. The OPM has yet to exercise this authority.
Federal Process- The OPM has, on a number of occasions, signed onto NEEP comments to the DOE on federal rulemakings.

Legislative activity
The Connecticut legislature has adopted appliance standards on two separate occasions (2004 and 2007) (Link to OPM Regulations). More recently in 2010, a pending standards bill was absorbed into a larger omnibus energy bill which later passed by both houses, but was eventually vetoed by the Governor.

Advocate/NGO Activity
Several organizations have been involved in supporting the numerous legislative efforts. NEEP, Connecticut Fund for the Environment, ACEEE, ASAP, ENE, NRDC, Sierra Club, and Environment Connecticut have all provided a mix of oral testimony and written comments supporting the packages during these proceedings.

Rate-payer Efficiency Program activity
Connecticut's efficiency programs, administered by Connecticut Light and Power and United Illuminating, have largely remained silent on appliance standards proceedings. The programs, however, have participated indirectly by supporting NEEP's Standards Project.

This year marks an interesting development with respect to the rate-payer programs future involvement in standards. As part of the 2010 Conservation & Load Management Plans to the Department of Public Utility Control (listed as of March 17th):

"The Department directs the Electrical Distribution Companies (EDCs) to allocate up to $200,000 among the two EDCs to promote stricter appliance and electronic standards through the proper venue(s): CEC, NEEP, the federal ENERGY STAR program or a trade ally association. This effort would likely take the form of providing technical support or leading a workgroup(s) to establish energy usage and/or performance standards. The EDCs and the ECMB shall report on their efforts in the 2011 C&LM Plan. If the EDCs require additional staff, they may send a letter to inform the Department of the additional budget amount required.

As part of next year's plan, they must:

Submit to the Department a savings attribution methodology to ascribe savings from more stringent codes and standards for consumer appliances and electronics as discussed for the ECMB in Section II.E.8., herein;

It is unclear if any work has been done by the EDCs in 2010 towards these objectives.

NEW YORK

State regulatory authority

No agency in the state government has the authority to develop/revise state appliance standards unilaterally. Although, the New York Department of State (DOS) and New York State Energy Research and Development Authority (NYSERDA) have been jointly tasked with developing technical standards through legislation. The DOS has the responsibility for implementing/enforcing any standards developed internally or adopted legislatively. There remain products from the 2005 bill that have yet to be developed, including televisions.

Legislative activity

New York passed legislation for appliance standards in 2005 and 2010, some with prescriptive specifications and others that were to be developed by DOS and NYSERDA.

Advocate/NGO Activity

Several organizations have been involved in supporting the legislative efforts. NEEP, NRDC, ACEEE, ASAP, and PACE Energy and Climate Center have all provided a mix of oral testimony and written comments supporting the packages during these proceedings.

Rate-payer Efficiency Program activity

NYSERDA and Long Island Power Authority (LIPA) administer the state's rate-payer efficiency programs.
Federal Process- Both utilize some rate-payer program resources to review/support NEEP developed comment letters to DOE concerning federal standards rulemakings.
Both also participate indirectly by supporting NEEP's Standards Project.

NEW JERSEY

State regulatory authority

No agency in the state government has the authority to develop/revise state appliance standards unilaterally. The New Jersey Board of Public Utilities (BPU) is responsible for implementing/enforcing any standards adopted legislatively.

Legislative activity

The New Jersey legislature successfully passed legislation in 2005 adopting a package of appliance standards.

Advocate/NGO Activity

Several organizations were involved in supporting this legislative effort. NEEP, NRDC, ACEEE, ASAP, and Environment New jersey have all provided a mix of oral testimony and written comments supporting the packages during this proceeding.

Rate-payer Efficiency Program activity

The BPU currently administers New Jersey's efficiency efforts through the New Jersey Clean Energy Program (NJCEP). Outside of supporting NEEP's Appliance Standards Project through 2009, there has

been little active participation from the NJCEP staff. The termination of project support was a result of raids on the program budgets in 2009 to close the general fund gap. Federal Process- Occasionally BPU staff has supported NEEP comment letters to the DOE regarding federal standard rulemakings.

PENNSYLVANIA

State regulatory authority No agency in the state government has the authority to develop/revise state appliance standards unilaterally. Pennsylvania Department of Environmental Protection (DEP) would likely be responsible for implementing/enforcing any standards adopted legislatively.
Legislative activity A bill was introduced in 2010 to adopt energy use regulations for televisions. No action has been taken.
Advocate/NGO Activity NEEP worked successfully with staffers in at the DEP and other organizations (Penn Future and Penn Environment) within the state to have the 2010 model package of standards included in the Governor's Climate Change Action Plan. NEEP will continue to support the DEP in their efforts to gain adoption.
Rate-payer Efficiency Program activity Efficiency programs are just beginning to launch in Pennsylvania

MARYLAND

State regulatory authority No agency in the state government has the authority to develop/revise state appliance standards unilaterally. However, the Maryland Energy Administration (MEA) is responsible for making recommendations (most recently through Maryland's 2010 Energy Outlook report) in the area of appliance standards. The MEA is also responsible for implementing/enforcing any standards that they develop or are adopted legislatively.
Legislative activity The Maryland legislature has adopted appliance standards on two separate occasions (2004 and 2007). More recently in 2010, a standards bill for televisions was rejected by Houses Economic Matters Committee over concerns that the standards would negatively impact consumers and cost retailer jobs in state. Both of these issues were contested by the MEA and advocates.
Advocate/NGO Activity Several organizations have been involved in supporting the numerous legislative efforts. NEEP, Environment Maryland, ACEEE, ASAP, NRDC, and Sierra Club have all provided a mix of oral and written comments supporting the packages during these proceedings.
Rate-payer Efficiency Program activity Baltimore Gas & Electric and Pepco have both provided support, typically through written comments, at various stages of these legislative efforts.

WASHINGTON DC

State regulatory authority No agency in the District government has the authority to develop/revise state appliance standards unilaterally. The District of Columbia's Public Service Commission (PSC) is responsible for implementing/enforcing standards adopted legislatively.
Legislative activity The District of Columbia's Council adopted legislation which included a series of appliance standards in 2007.
NEEP, ASAP, ACEEE, IMT

Rate-payer Efficiency Program activity None to date

DELAWARE

State regulatory authority No agency in Delaware has the authority to develop/revise state appliance standards unilaterally. It is unknown which agency would be responsible for implementing/enforcing standards adopted legislatively.
Legislative activity None
Advocate/NGO Activity Unknown
Rate-payer Efficiency Program activity None to date