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## BULLETIN 24-1

Issued: November 2024  
Subject: DEP Minimum Efficiency Standards for certain products  
Reference: P.L. 2021, c. 464; N.J.A.C. 5:23-2.18(d)

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On January 18, 2022, P.L. 2021, c. 464 was enacted and directed the Department of Environmental Protection (DEP) to disallow the sale of certain products and appliances unless they meet the minimum efficiencies established within. This law also states that these products are not permitted to be installed unless identified by a mark, label, or tag denoting the minimum efficiency has been met or exceeded. From a Uniform Construction Code (UCC) perspective, many of these products exceed the Federally mandated efficiency standards, and in order to comply with the installation portion of this law, the appropriate subcode official/inspector must verify upon final inspection that these products/appliances contain the applicable mark, label, or tag, established below by DEP.

DEP has chosen not to promulgate rules and instead, provides guidance, posed as Frequently Asked Questions (FAQ). Here, you will find the UCC-related information; see “Final Inspection Requirements” and the chart. Any conflict between the products noted in this bulletin and the DEP FAQ, the FAQ shall prevail.

Source: <https://dep.nj.gov/appliancestandards/appliance-standards-faq/>.

### GENERAL

#### **What are the main components of the law?**

On January 18, 2022, [P.L. 2021, c. 464](#) was signed into law. The law established the following requirements for new products specified in the law.

#### ***Product Requirements***

The law requires certain new products to meet or exceed the minimum efficiency standards established by the law, effective January 18, 2023. The law further prohibits the sale, offer for sale, lease, or installation for compensation of these new products unless the new product includes a mark, label, or tag denoting that the product meets the applicable standard. Please see the “specific requirements” section for a list of product categories to which the law applies.

#### ***Final Inspection Requirements***

For those products subject to the UCC, the law requires the appropriate subcode official at the NJ Department of Community Affairs, upon final inspection, to ensure that any such product contains the required mark, label, or tag.

Products subject to the UCC are:

Commercial Dishwasher, Commercial Fryer, Commercial Hot-Food Holding Cabinets, Commercial Ovens, Commercial Steam Cookers, Electric Vehicle Service Equipment, All Faucets (lavatory, residential kitchen, public lavatory), Portable Electric Spas, Residential Ventilating Fan, Showerheads, Urinals, Toilets.

#### **What is a new product under the law?**

A **new product** is a product that was manufactured or assembled on or after January 18, 2023. Replacement, repaired, or refurbished equipment are not subject to the law, except for certain replacement aerators.

**Is the Department planning to promulgate rules?**

DEP rules are not necessary to implement or enforce the law. As of December 2023, DEP is not planning to promulgate rules.

**SPECIFIC REQUIREMENTS**

**How does a manufacturer comply if the standard in the law has been replaced by a more current standard?**

The law establishes minimum standards. If, for example, the ENERGY STAR specification in the law has been replaced by a newer specification, compliance with the newer specification or the older specification as cited in the law means the product will comply with the law. To date, the Department is aware of five product categories for which this is the case. These products can be found in the table below with an asterisk (\*).

A manufacturer of a new product that meets the standard in the law but not the latest ENERGY STAR Specification must still properly mark, label, or tag a product denoting the energy or water efficiency rating.

**Are all products in the general product categories subject to the law?**

For those products required to comply with ENERGY STAR® specifications, California regulations, or WaterSense specifications, only those products within the scope of the applicable specification or regulation are subject to the law. For example, electric vehicle supply equipment (EVSE) within the scope of the minimum standard, ENERGY STAR v.1.0, include Level 1 EVSE, Level 2 EVSE, and Dual Input Level 1 and Level 2 EVSE. See [Version 1.0 EVSE Program Requirements \(Revised April 2017\) \(energystar.gov\)](https://www.energystar.gov/Version_1.0_EVSE_Program_Requirements_(Revised_April_2017)). Therefore, only these types of EVSE are within the scope of the law; DC fast chargers (DCFCs) are not within the scope of the law and thus are not required to comply with ENERGY STAR specifications.

Any product that is subject to preemption by Federal standards is not required to comply with State law. Air purifiers and state regulated general services lamps are included in the law, but the standards are now preempted by federal regulations covering these same products.

**Is a specific label, mark or tag required?**

The law requires a manufacturer of a regulated product to identify that each regulated product offered for sale in the State complies with the law by means of a mark, label, or tag on the product and packaging at the time of sale.

The law does not mandate a particular form of label, mark, or tag; a product with an ENERGY STAR®, California-compliant, or WaterSense label is sufficient. A mark denoting the energy or water efficiency rating would also be sufficient.

<b>Electrical Subcode Product category</b>	<b>Minimum standard</b>	<b>Certification database</b>	<b>Testing in accordance with:</b>
<b>Commercial dishwashers*</b>	ENERGY STAR® for Commercial Dishwashers v.2.0* <a href="#"><u>ENERGY STAR Program Requirements Product Specification for Commercial Dishwashers Eligibility Criteria Version 2.0</u></a> * v.3.0 effective July 27, 2021 ENERGY STAR or SASD ENERGY STAR® for Commercial Dishwashers v.2.0	ENERGY STAR or SASD	ENERGY STAR® for Commercial Dishwashers v.2.0
<b>Commercial fryers*</b>	ENERGY STAR® for Commercial Fryers v.2.0* <a href="#"><u>ENERGY STAR Program Requirements for Commercial Fryers</u></a> * v.3.0 effective October 1, 2016	ENERGY STAR or SASD	ENERGY STAR® for Commercial Fryers v.2.0
<b>Commercial hot- food holding cabinets</b>	ENERGY STAR® for Commercial Hot-Food Holding Cabinets v.2.0 <a href="#"><u>ENERGY STAR Program Requirements for Commercial Hot Food Holding Cabinets</u></a>	ENERGY STAR or SASD	ENERGY STAR® for Commercial Hot- Food Holding Cabinets v.2.0
<b>Commercial ovens*</b>	ENERGY STAR® for Commercial Ovens v.2.2* <a href="#"><u>Commercial Ovens Final Version 2.2 Specification.pdf (energystar.gov)</u></a> * v.3.0 effective January 12, 2023	ENERGY STAR or SASD	ENERGY STAR® for Commercial Ovens v.2.2

Electrical Subcode Product category	Minimum standard	Certification database	Testing in accordance with:
<b>Commercial steam cookers</b>	ENERGY STAR® for Commercial Steam Cookers v.1.2 <a href="#">ENERGY STAR Commercial Steam Cookers Program Requirements V1.2</a>	ENERGY STAR or SASD	ENERGY STAR® for Commercial Steam Cookers v.1.2
<b>Electric vehicle service equipment*</b>	ENERGY STAR® for Electric Vehicle Supply Equipment v.1.0* <a href="#">Version 1.0 EVSE Program Requirements (Revised April 2017)</a> <a href="#">(energystar.gov)</a> * v.1.2 effective June 20, 2023	ENERGY STAR or SASD	ENERGY STAR® for Electric Vehicle Supply Equipment v.1.0
<b>Residential ventilating fans</b>	In-line: fan motor efficacy of no less than 2.8 cubic feet per minute per watt All other: no less than 1.4 cubic feet per minute per watt for airflows less than 90 cubic feet per minute; no less than 2.8 cubic feet per minute per watt for other airflows	HVI or SASD	Home Ventilation Institute Publication 916, HVI Airflow Test Procedure
<b>Portable electric spas</b>	American National Standard for Portable Electric Spa Energy Efficiency 14-2019	SASD	American National Standard for Portable Electric Spa Energy Efficiency 14-2019

*Footnote: The law establishes minimum standards. If, for example, the ENERGY STAR specification in the law has been replaced by a newer specification, compliance with the newer specification means the product will comply with the law. As of December, 2023 the Department is aware of five product categories for which this is the case. These products can be found in the table with an asterisk (\*).*

Plumbing Subcode Product category	Minimum standard	Certification database	Testing in accordance with:
<b>Showerheads</b>	Maximum flow rate of 2.0 gallons per minute at 80 pounds per square inch	SASD	10 CFR Part 430, Subpart B, Appendix S, Uniform Test Method for Measuring the Water Consumption of Faucets and Showerheads
<b>Lavatory faucets or replacement aerator for lavatory faucet</b>	Maximum flow rate of 1.5 gallons per minute at 60 pounds per square inch	SASD	10 CFR 430, Subpart B, Appendix S, Uniform Test Method for Measuring the Water Consumption of Faucets and Showerheads
<b>Residential kitchen faucets or replacement aerator for residential kitchen faucet</b>	Maximum flow rate of 1.8 gallons per minute at 60 pounds per square inch, with an optional temporary flow rate of 2.2 gallons per minute, provided the faucet or replacement aerator defaults to a maximum flow rate of 1.8 gallons per minute at 60 pounds per square inch after each use	SASD	10 CFR 430, Subpart B, Appendix S, Uniform Test Method for Measuring the Water Consumption of Faucets and Showerheads
<b>Public lavatory faucets or replacement aerator for a public lavatory faucet</b>	Maximum flow rate of 0.5 gallons per minute at 60 pounds per square inch	SASD	10 CFR 430, Subpart B, Appendix S, Uniform Test Method for Measuring the Water Consumption

Plumbing Subcode Product category	Minimum standard	Certification database	Testing in accordance with:
			of Faucets and Showerheads
Wall-mounted urinals, except for trough-type	Maximum flush volume of 0.5 gallons per flush	SASD	10 CFR 430, Subpart B, Appendix T, Uniform Test Method for Measuring the Water Consumption of Water Closets and Urinals
Floor-mounted urinals, except for trough-type	Maximum flush volume of 0.5 gallons per flush	SASD	10 CFR 430, Subpart B, Appendix T, Uniform Test Method for Measuring the Water Consumption of Water Closets and Urinals
Toilets (except for dual-flush tank-type toilets)	Maximum flush volume of 1.28 gallons per flush	SASD	10 CFR 430, Subpart B, Appendix T, Uniform Test Method for Measuring the Water Consumption of Water Closets and Urinals Waste extraction test for toilets in the American Society of Mechanical Engineers standard A112.19.2, Section 7.9
Dual-flush tank-type toilets	Maximum dual-flush effective flush volume of 1.28 gallons per flush	SASD	10 CFR 430, Subpart B, Appendix T, Uniform Test Method for Measuring the Water Consumption of Water Closets and Urinals Waste extraction test for toilets in the American Society of Mechanical Engineers standard A112.19.2, Section 7.9
<b>Footnote:</b> The law establishes minimum standards. If, for example, the ENERGY STAR specification in the law has been replaced by a newer specification, compliance with the newer specification means the product will comply with the law. As of December, 2023 the Department is aware of five product categories for which this is the case. These products can be found in the table with an asterisk (*).			

### Questions?

For additional questions or comments regarding New Jersey's Appliance Standards, please send an email to [appliancestandards@dep.nj.gov](mailto:appliancestandards@dep.nj.gov).