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Air-Conditioning, Heating, and Refrigeration Institute

April 11, 2012

California Energy Commission (CEC)

Re: March 12, 2012 45-day Language Hearing for Nonresidential Buildings - 2013 Building Energy Efficiency Standards (AHRI Comments on §120.1(e) *Design and Control Requirements for Quantities of Outdoor Air*; Docket # 12-BSTD-1)

Dear CEC Staff:

The Air-Conditioning, Heating and Refrigeration Institute (AHRI) is the trade association representing manufacturers of heating, cooling, water heating, and commercial refrigeration equipment. Over 300 members strong, AHRI is an internationally recognized advocate for the industry, and develops standards for and certifies the performance of many of the products manufactured by our members. In North America, the annual output of the HVACR industry is worth more than $20 billion. In the United States alone, our members employ approximately 130,000 people, and support some 800,000 dealers, contractors, and technicians.

We have some concerns on the code language that was proposed at the hearing on March 12, 2012. Specifically, we feel that the proposed language in §120.1(e) *Design and Control Requirements for Quantities of Outdoor Air*, should not be considered for the current rulemaking cycle due to the following reasons:

1. We believe that the timing of the proposed changes in §120.1(e) is inappropriate for this rulemaking cycle due to the fact that these changes are recent and were not raised at the last CEC nonresidential staff workshop on October 13, 2011. Additionally, stakeholders were not given sufficient opportunity to comment on the proposed changes during the pre-rulemaking process. The technical report that supports the proposed changes was published towards the end of 2011 and no stakeholder meeting was held to discuss the findings of the report prior to the 45-day language comment period. Since the proposed changes were made towards the end rulemaking cycle, we feel that CEC should postpone the consideration of these proposed changes until the next rulemaking cycle, so that all stakeholders can assess the validity of the technical report.

2. Although a best practice measurement methodology has been specified in the outside air report, we are concerned about the level of accuracy with respect to the measurements in the field. The 10% requirement specified in §120.1(e)2 and §120.1(e)3 is too stringent and should be removed all together from the code language because of uncertainties associated with the verification of this requirement in the field. ANSI/ASHRAE/USGBC/IES Standard 189.1-2011 states that a device

shall be capable of measuring flow within an accuracy of 15% of the minimum outdoor airflow rate; this standard applies to high-performance green buildings and is not meant to be a minimum performance standard. If a high performance standard like 189.1 can specify an accuracy of 15% for the measurement device, then CEC should also account for the uncertainty associated with the measurement device and reduce the stringency of its code language by removing the 10% requirement from §120.1(e)2 and §120.1(e)3.

We urge that CEC reconsider the proposed code language in §120.1(e) during the next rulemaking cycle rather than hastily including it in the current rulemaking cycle. It would enable our industry, CEC's consultants and other stakeholders to work together on determining a feasible solution. We recently worked with CEC staff and its consultants to develop an alternate code change language on integrated economizers and fan control. The alternate code language has been successfully incorporated into the 45-day language draft.

We appreciate this opportunity to provide comments on the design and control requirements for quantities of outdoor air. If you have any questions or wish to discuss this further, please do not hesitate to call me at (703) 600-0383.

Sincerely,

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