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Docket Number:	25-BSTD-03
Project Title:	2028 Energy Code Pre-Rulemaking.
TN #:	273423
Document Title:	Opposition to Proposed Pool Heating Regulation CEC Docket Number 25-BSTD-03 Project Title 2028 Energy Code Pre-Rulemaking
Description:	Opposition to the "Solar Heating for an Existing Pool and Spa" CASE Proposal under Docket 25-BSTD-03. While supportive of environmental sustainability, our coalition objects to mandatory solar thermal retrofits and restrictive 90% thermal efficiency thresholds on public swimming pools. Public and nonprofit learn-to-swim facilities operate on highly constrained budgets and frequently inhabit physical spaces that cannot support the structural, weight, or geographic placement needs of expansive solar collector arrays. Furthermore, commercial solar components face accelerated degradation (5 to 8 years) from pool chemical off-gassing, creating an unsustainable long-term financial burden.
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Submitter Role:	Other Interested Person
Submission Date:	11/5/2026 4:08:38 PM
Docketed Date:	11/5/2026

November 5, 2026

David Hochschild, Chair
California Energy Commission
715 P Street
Sacramento, CA 95814

RE: Opposition to and suggested amendments to the Proposed Solar Pool Heating Regulation - Mandatory Solar Thermal Pool Heating Requirements for Public Swimming Pools
CEC Docket Number: 25-BSTD-03
Project title: 2028 Energy Code Pre-Rulemaking
Subject: Public Comment on “Solar Heating for an Existing Pool and Spa” CASE Proposal

Dear Commissioner Hochschild and Staff:

The undersigned organizations — representing aquatics programs, public health advocates, swim instruction providers, pool operators, nonprofit aquatic centers, and community recreation providers throughout California and the nation — write jointly and in strong opposition to, unless amended, the California Energy Commission's (CEC) proposed regulation that would require solar pool heating systems as a condition of operating or permitting public swimming pools.

Our coalition spans a broad and diverse cross-section of stakeholders united by a shared commitment to aquatic access – especially for underserved populations and underserved communities - drowning prevention, and public health. We are not opposed to energy efficiency or environmental sustainability. On the contrary, many of our members have voluntarily invested in energy-saving technologies, both higher efficient heaters, heat retention pool covers, and solar equipment. We write because the proposed regulation, as structured, would cause serious and foreseeable harm — closing pools, reduce access to drowning prevention swim instruction, and disproportionately burdening the underserved communities that most depend on public aquatic facilities — without achieving any meaningful energy savings benefit.

This letter presents comprehensive legal, public health, equity, technical, and financial objections to the proposed rule, and urges the CEC to withdraw or substantially revise the proposed regulation before it advances further. We respectfully request that this letter be entered into the official rulemaking record.

I. Understanding the backdrop of aquatic facilities reality and public health issues in harms way if the proposed regulation is not amended or tabled until real world aquatic issues in California can be better addressed.

Here are five high level issues that need to be understood in addressing changes to the public pool energy use in our state:

- Pools are not the right setting to resolve California's energy use and climate change problem. First, California's pools providing drowning prevention swim lessons, important community recreation and competitive sports aquatic settings make up a very small footprint of the energy use in California. Even including the heating energy use by pools outside of drowning prevention swim lesson pools, community recreation, and aquatic sports functions important to all California communities make up only 0.00036% of California's energy use landscape. The addition of solar and more efficient energy source equipment could decrease California's energy use another deminimis amount, maybe down to 0.0002% of our state's energy landscape [Based on CASE solar pool heating research and computer modeling]. But the damage to California's pools contribution to drowning prevention, community recreation, and aquatic sports would be detrimental not only increasing rather than decreasing California's drowning rate, but also remove important sports opportunities, especially in the vast areas of underserved communities across our state would be devastating.
- Solar is not the best alternative heat source for the majority of California's community, park and recreation, YMCA, and private pools providing drowning prevention swim lessons. Swim lesson and rehabilitation program pools make up most pools in our communities. Solar can provide heat source for pools not engaged in drowning prevention swim lessons but only if the pool facilities have the building, land, heat equipment building or room space to accommodate solar heating panels, plumbing and supporting equipment which most pools do not have available. The land, roof space, and equipment building space is not sufficient to house the size of solar arrays needed to be the main heat source. Some pools have the infrastructure space to accommodate solar but that is not most pools. Allowing for both solar and more efficient gas heating equipment can provide though a very small contribution to reducing energy use in California but comes with serious long-term cost and budget considerations. The state and local governments would need to invest considerable new money to help bring this about.
- According to California Department of Public Health's EPICenter and CDC WISQARS injury data surveillance agencies, drowning in California is not only the

leading cause of death for our state's children ages one through four, second leading cause of death for children ages five through 14, and third leading cause of death for teenagers and youth ages 15 through age 24. For every fatal drowning incident there are 5-10 other non-fatal drowning incidents with – for children – ten percent (10%) of these leading to severe life-long brain damage. Drowning is a $3 billion annual cost burden on our state due to first responder, emergency room, initial hospitalizations, follow up hospitalizations and health care, special education, institutionalization, work loss, and civil litigation costs. The California Department of Developmental Services (DDS) reports that most of their severe brain damaged client base is due to non-fatal drowning at an annual cost of more than $277 million for just for this one agency. Drowning prevention swim lessons is an essential component of California's drowning prevention strategy (CA Health and Safety Code 116036 just added by the state Legislature in 2025 by AB 1005 Chapter 387 of 2025.) A solar pool heating regulation inappropriately crafted would shutter many of the pools needed – especially in underserved and socioeconomic challenged communities – for providing drowning prevention swim lessons. This would especially hit our majority Black population communities the hardest.

- A pool heating efficiency plan for California is possible but will take far more and better inclusive partnerships between those actually operating and managing California's pools, community and private sectors shouldering the financial burden of not only keeping the pools we have now open, but assessing and planning for the build out of the many other pools needed in our communities. The current solar pool heating regulation was crafted in the blind. Meaning there was not the level of engagement with the drowning prevention community, real world pool operators, administrators, and managers, as well as the authorities responsible for the financing of pools, to craft a long-term pool heating plan and solution. Having drowning prevention, pool operators, managers, and those responsible for pool's budgets and operations need to be equal partners around the table. They were not in creating the current flawed solar pool heating regulatory proposal. For example, pool operators, engineers, managers, would have raised the issue of warrantees. Most solar equipment manufacturers currently do not provide the 15-to-30-year warrantees of their solar components so when the solar components fail after five to seven years the pool operators are burdened with too often extraordinary cost burdens to replace the equipment. And the proposed 90% efficiency standard creates far too limited equipment options for pool operators. An 88% efficiency level opens the door for far more heating options and nearly matches the energy savings the 90% efficiency level achieves.
- The exemption components in the current proposal leave out crucial factors of costs and it is not clear regarding how to address partial system replacement needs. The exemption framework ignores obvious costs such as the architectural, permits process, and administration planning costs. Currently the exemption plan focuses on the equipment costs primarily and the physical space to accommodate the

equipment. The other costs above need to be part of the exemption equation, especially for community, park and recreation pools which have financial and budget realities driven by those outside of the operators of the pools. If the budget to comply impacts the pool operator's ability to also fund swim lesson instructor, Lifeguard, pool maintenance staff, the outcome will be a pool setting diminished in its ability to provide the services it was designed to provide – far fewer swim lesson programs, far shorter open hours due to unfunded Lifeguard costs, etc.

The ask: We are asking the California Energy Commissioners work with the drowning prevention swim lesson pool operators and administrators, drowning prevention community, administrators of the financial planning and budgeting of pools, pool builders, and public health experts to better craft a long-term viable pool heating framework that helps California achieve decreased energy use regarding pools while not creating a public health disaster in doing so:

- Create more options for heating equipment by lowering the heating equipment range to 88% rather than the more restrictive and far more expensive 90% requirement.
- Rework the exemption framework to utilize solar by acknowledging other common costs associated with such a retrofit. Clearing up the meaning of 20% cost impact. Incorporating other common costs associated with retrofitting such as administration costs for planning, architectural design requirements, high cost of permit process, etc. Include the calculation of budget realities that if the pools budget is required to be put into higher efficiency heating equipment the impact on the pool operations, staffing, and hours of operation are taken into consideration, especially when addressing exemption from solar route for heating.
- Require solar pool heat equipment sellers to have warrantee length frameworks that meet the realities of the short lives of solar components when associated with pool water heating. Warrantees of more than ten years and total replacement of the equipment and sub-components if the equipment fails in five to eight years.
- Grandfather in public pools heating equipment realities when the pool is in a setting restricted by historic or other external requirements that do not allow for building modifications.

II. STATUTORY AUTHORITY AND REGULATORY OVERREACH

We raise these and other issues because of the proposed solar heating regulation would absolutely shutter many of California's pools that not only provide important recreational programs for and especially to underserved populations and communities, but as drafted the proposed regulation would also have a dramatic impact on removing pools desperately needed to carry out one of the state's essential drowning prevention strategies – making drowning prevention swim lessons available to California's most at risk populations.

The research involving pool heating shows California's pools and swim lesson pools create less than 0.0003% impact on California's greenhouse emissions. CEC's proposed regulation, largely because of the negligible impact of the regulation on greenhouse gas emissions, the proposed regulation may not be "reasonably necessary" to effectuate any statutory purpose and therefore - particularly in light of the public health consequences - can be argued to be beyond the CEC's authority or mandate. California Health & Safety Code Section 116035 governs standards for public swimming pools and expressly vests regulatory authority over pool operation, construction, and sanitation in the State Department of Public Health — not the California Energy Commission. The CEC is an energy agency; its mandate does not naturally extend to imposing operational conditions on public swimming pool facilities as a prerequisite to their lawful operation, as stated earlier, especially when doing so would create a severe detrimental impact on a majority of at-risk populations[i] and communities across the state.

By conditioning pool operation or permitting on the installation of solar thermal heating systems, the proposed rule effectively transforms an energy preference into a public health and operational mandate — a reach that is neither practical in this case nor authorized by statute nor consistent with the separation of regulatory authority established by the Legislature. Any regulatory authority the CEC has over pools affecting the operation of public swimming pools must be reasonable and consistent with the public health mandates that govern those facilities and cannot subordinate water safety, pool access, or public health to energy policy objectives – especially when the energy policy result in inconsequential savings in the state's greenhouse gas goals. And, as we will review later in this letter, research shows that pool water heating makes up less than 0.0003% of California's greenhouse gas emissions, making this overreach unnecessary and ineffective for addressing California's climate goals.

The foundational legal principle is clear: energy efficiency regulations promulgated by the CEC cannot override or conflict with public health statutes administered by a separate and coordinate state agency. To the extent the proposed rule has the practical effect of causing pool closures or restricting the operating conditions of facilities governed by the Department of Public Health, it exceeds the CEC's lawful regulatory authority and is subject to legal challenge. We urge the Commission to seek a formal interagency legal opinion before proceeding.

III. DROWNING IS A PUBLIC HEALTH CRISIS — POOL ACCESS SAVES LIVES

Drowning is the leading cause of unintentional injury death among children ages 1 through 4 in California and the United States and remains among the top causes of unintentional injury deaths and hospitalizations for children through age 14. Drowning in California based on data from California's Department of Public Health's EPICenter, the U.S. Center for Disease Control WISQARS, Red Cross, and other science-based data surveillance authorities is the third leading cause of death for California's teenagers and

youth up through age 24. In California, drowning consistently ranks as one of the most preventable causes of childhood fatality. The Centers for Disease Control and Prevention (CDC) and the American Red Cross have both recognized that access to drowning prevention swim lessons is among one of the most effective and evidence-supported interventions for reducing drowning risk. Swim lesson programs require warmer water than what is achievable by solar pool heating.

Heated pools are not a recreational amenity or nicety. Heated water is required for biological and physiological reasons. They are the infrastructure upon which life-saving swim lessons, therapeutic aquatic programming, adaptive aquatics for individuals with disabilities, and competitive youth development programs are built. Cold-water or unheated pools cannot safely or reliably support infant and toddler swim instruction, special needs programming, or year-round community swimming — the very programs that save lives.

Any regulation that results in pool closures, reduced operating hours, restricted programming, or financial barriers to pool operation directly and foreseeably increases drowning deaths. This is not a speculative concern; it is a predictable, documented consequence of reducing pool access in communities where drowning rates are already elevated. The CEC is obligated to weigh the public health consequences of pool closures — including preventable drowning deaths — against the marginal energy savings the proposed regulation would generate. The CASE proposed regulation has not done so, and that failure is itself a basis for withdrawing the proposed rule.

III. DISPROPORTIONATE BURDEN ON LOW-INCOME, MINORITY, AND UNDERSERVED COMMUNITIES

The proposed regulation does not impose its burdens equally. Private clubs, luxury fitness facilities, and high-end socioeconomic residential communities operate pools with adequate capital reserves and can absorb compliance costs without operational disruption. Pools that serve most of California’s childhood and youth populations are the most at risk if this solar regulation were passed. Public pools operated by municipalities, school districts, YMCAs, nonprofit aquatic centers, and community recreation providers — the facilities that overwhelmingly serve low-income and minority communities — have no such financial or infrastructure cushion.

Disparate drowning rates in Black, Latino, and low-income communities are among the most well-documented and persistent public health inequities in the United States. Studies consistently find that Black children drown at rates more than two times higher than white children, and that Latino children face similarly elevated risk. One of the single most effective interventions is pool access and drowning prevention swim lessons — and the facilities that provide that access to these communities are precisely the ones the proposed regulation would place at greatest financial risk. And would box these facilities serving most of California’s population into a situation where their pool

inherited infrastructure cannot accommodate the building and land retrofits needed to comply. Most public and private swim lesson pools do not own their own building or land, and do not have the luxury of the building structure or space to comply with such a regulation.

Forcing expensive solar thermal retrofits on underfunded public pools will accelerate the closure of the very facilities that serve communities with the greatest need and the least access to alternative aquatic resources. This is not a theoretical concern — it is the predictable and foreseeable result of imposing a costly, infrastructure-intensive mandate on facilities already operating under severe budget constraints.

The proposed regulation, as written, would constitute a textbook environmental injustice: an ostensibly neutral policy that in practice concentrates harm on the communities least able to bear it. We respectfully but firmly urge the CEC to commission a formal Environmental Justice analysis — consistent with the Commission's obligations under California's environmental justice framework — before taking any further action on this rulemaking. That analysis has not been conducted, and proceeding without it is both legally and ethically indefensible.

Real-World examples of Public Pool Deficits and Closures in California:
The risk of costly retrofitting or hardware mandate accelerating pool shutdowns is not theoretical. Across California, escalating operational costs, deferred maintenance backlogs, and municipal structural deficits are already actively shuttering or severely limiting public aquatics infrastructure:

The Placerville Aquatic Center Shutdown (2026): Confronted with mounting operating costs, sharp minimum wage hikes, and a swelling seasonal operational deficit approaching $370,000 annually, the City of Placerville formally evaluated an outright facility shutdown. Despite swimming lessons operating at a massive 90% capacity baseline, the city simply lacked the fiscal runway to subsidize facility-related personnel and operational maintenance costs. Imposing a solar or high-efficiency plumbing infrastructure mandate on a facility in this financial position acts as an immediate trigger for indefinite closure. [1]

The City of Sacramento Pool Cutbacks (2026): Facing a widespread $66 million structural budget deficit, the City of Sacramento enacted aggressive service reductions across neighborhood pools. The historic Southside Park Pool sat completely empty for three consecutive years due to backlogged deferred maintenance. Even after a brief reopening, budget shortfalls forced the city to restrict operations to just three days a week during peak summer months. Forcing underfunded urban neighborhoods to route limited park funds into complex mechanical engineering overhauls forces a zero-sum trade-off against basic lifeguard staffing. [1]

City of San Diego Widespread Operational Rolling Cuts (2026): Citywide municipal fiscal cuts targeted local recreation spaces, leading to the targeted rolling closures of more than a dozen community pools for weeks at a time. These rollbacks cut deep into critical localized youth programming and drowning-prevention access windows,

highlighting that municipalities are completely unequipped to absorb unbacked capital mandates. [1]

The Columbia Pool Fiasco (Turlock): After structural degradation forced the pool's initial closure, deferred maintenance and skyrocketing refurbishment costs saw a localized rehabilitation project balloon from an initial estimate of $1.8 million to over $9 million. For municipal networks, once an aging system is offline due to technical compliance triggers, the financial hurdle to bring it back to permitted operation becomes an insurmountable barrier. [1]

Providing a small part of the list of pool settings suffering financial impacts and hardships. The drowning prevention community and the AB 1005 Swim Lesson Directory and Voucher Planning Team will be recommending in its June 2027 report there is a need in California for several hundred more public pools to meet the drowning prevention swim lesson, rehab, and recreational needs of, especially, California's minority population underserved communities.

IV. SOLAR THERMAL SYSTEMS ARE TECHNICALLY UNSUITABLE FOR MANY PUBLIC POOL FACILITIES

The proposed regulation proceeds from the assumption that solar thermal pool heating is a technically viable option for public swimming pool facilities across California. That assumption is incorrect for a considerable proportion of affected facilities.

Solar thermal pool heating systems require large areas of unobstructed, south-facing roof or, ground space — space that many older urban pools, school campus facilities, YMCA buildings, and municipally operated aquatic centers simply do not possess. System performance is highly site-specific: shading from adjacent structures or vegetation, suboptimal roof orientation, local microclimatic conditions (including persistent coastal fog, marine layer, and overcast skies in significant portions of California), and roof structural load capacity each independently limit or defeat solar thermal feasibility. A mandate that ignores site-specific variation is a mandate that will force closures.

Moreover, solar thermal systems cannot reliably maintain required pool temperatures year-round across all California climates. Or even maintain optimal swim lesson water temperatures even at optimal times of the year. In coastal, northern, and inland valley regions with extended cloudy seasons, supplemental heating — gas or electric — remains operationally necessary for virtually all facilities. The proposed regulation does not appear to account for this reality: it mandates the installation of systems that will, in many locations, provide only marginal benefit while consuming significant capital.

Unlike solar photovoltaic systems that export electricity to the grid and generate bankable energy credits, solar thermal systems produce heat only — heat that must be consumed on-site and that provides no export value, no grid benefit, and no transferable credit. System performance degrades materially over time due to chemical

exposure from pool water off-gassing (particularly chlorine and chloramines), UV degradation of collectors, freeze-thaw thermal cycling, and general wear of pumps and controllers. Maintenance requires specialized expertise not available in-house at most public pool facilities. A mandate premised on solar thermal as a broadly deployable solution reflects a fundamental misunderstanding of field-level operational reality.

V. EQUIPMENT LIFESPAN, FAILURE RATES, AND HIDDEN LONG-TERM COSTS

Even under ideal conditions, solar thermal pool heating collectors carry an estimated operational lifespan of 10 to 20 years. In practice, the chemically aggressive environment of public pool operations — characterized by chlorine off-gassing, humidity, thermal cycling, and UV exposure — substantially reduces effective service life. Collectors, manifolds, circulation pumps, and digital controllers all degrade and require periodic replacement, creating a recurring capital cost burden that the CEC's rulemaking cost-benefit analysis does not adequately capture. Swim lesson pool owners who have tried solar report the systems degrade in five to eight years, not the dozens of years projected by the CASE study and proposal.

Many public facilities across California are already contending with aging infrastructure and significant deferred maintenance backlogs. Layering a mandatory solar thermal retrofit obligation on top of those existing burdens compounds financial distress rather than resolving it. The interaction between deferred maintenance and mandated capital expenditure is a formula for accelerated closure of precisely the facilities that serve the most vulnerable populations.

Most critically, solar thermal system failures are not merely inconvenient — they are operationally catastrophic for facilities that depend on those systems for pool temperature maintenance. A collector array or circulation pump failure during the peak summer season can force a pool to close for days or weeks while repairs are sourced and scheduled through a limited pool of specialized contractors. Pool closures during summer are not acceptable operational interruptions — they are precisely the periods when drowning prevention programming is most urgently needed. The CEC's CASE analysis does not model failure-mode costs, system downtime costs, or the cost to public health of mid-season pool closures attributable to solar thermal system failures. This is a material omission that must be corrected before the regulation advances.

VI. HIGH-EFFICIENCY GAS HEATERS OFFER A COST-EFFECTIVE, RELIABLE ALTERNATIVE – BUT COME WITH COST AND FOOTPRINT SIZE CHALLENGES.

The Commission's CASE proposed regulation treats solar thermal pool heating as the singular acceptable pathway to energy efficiency compliance. This is a false choice — and a consequential one. Modern high-efficiency condensing gas pool heaters achieve thermal efficiencies of 95 percent and above, representing a substantial and proven advance over legacy heating equipment. These units are commercially available, widely serviced by contractors throughout California, and can be installed and brought to full

operation in a matter of days — without roof assessments, structural engineering reviews, or months-long procurement timelines. But this does not consider another troubling reality. 90% efficiency heaters are more than double the price or far higher priced as 88% efficiency gas heaters. And need more than twice the footprint size as the 88% efficiency heaters. Replacing an efficient gas heater for a higher efficient gas heater comes with real world difficulties, pool heating room size, and cost issues. The 90%+ efficient gas heaters require “brand” changes leading to replumbing the pool, changes in electrical panels and control systems, and most of the time a bigger base footprint for the new heater to rest on, taking up more space than many pools have available to financing to alter this part of their infrastructure. The 90% heating efficiency benchmark is just not realistic for many of our community, park and recreation, city, YMCA, and Swim School pools. Having an 88% efficiency standard opens up more affordable options, both in terms of cost and footprint space options and comes with less structural challenges.

On a lifecycle cost basis — accounting for installation, maintenance, reliability, and actual heating performance across California's diverse climate zones — high-efficiency gas heaters are frequently competitive with or superior to solar thermal systems. The natural gas infrastructure required to operate these heaters is already present at virtually every public swimming pool facility in California; leveraging existing infrastructure is both more cost-efficient and operationally less disruptive than mandating the installation of an entirely new and complex solar collection system. But this change would require state and local government budget costs not easily obtainable in these tight public budget climates.

We do not suggest that gas heating is the permanent end-state of pool energy policy. We recognize that the state has long-term decarbonization goals, and our coalition supports the development of cost-effective, technically reliable pathways toward those goals. However, a regulation that mandates solar thermal systems while ignoring the substantial and achievable energy efficiency gains already available through high-efficiency gas equipment is neither sound energy policy nor sound public health policy. The proposed rule should, at minimum, explicitly recognize high-efficiency gas heaters meeting a defined thermal efficiency threshold (not less than 88 percent) as a fully compliant alternative pathway for facilities where solar thermal installation is not technically or financially feasible. Although as stated earlier for both public and private drowning prevention swim lesson pool operators will rely on local public budget adjustments to cover the increased financial costs of this alternative route.

VII. FINANCIAL IMPACTS ARE SEVERE AND THE CEC'S CASE COST-BENEFIT ANALYSIS IS INADEQUATE

The financial burden imposed by the proposed regulation on public and nonprofit pool operators is severe, and the CEC's cost-benefit analysis fails to account for it accurately. Even according to the CASE study models, solar thermal pool heating

system installation costs range from $8,300 to $180,000 or more per pool, depending on pool size, site conditions, required roof reinforcement or ground-mount preparation, and system complexity. And this amount for the equipment purchase and equipment installation does not take into the administration and down-time costs (e.g., lost revenue, administration and pool operator/managers planning, permit process costs, architectural and physical space amendment planning costs, etc.) As a real-life example, during the November 5, 2026, CEC set up tour of the River City high and recreation pool tour the administrators of that pool acknowledged the administration and affiliated planning costs was 30% of the retrofit project. Large competition pools and multi-pool facilities regularly encounter installed system costs exceeding $75,000 — costs that dwarf any realistic energy savings projection. The CASE studies on this solar pool heating regulation for existing pools site similar equipment costs but do not cite the additional administrative costs.

USSSA member pool owners cite another cost not listed in the CASE modeling. The annual maintenance costs for solar thermal pool heating systems typically range from $1,000 to $3,000 or more per year, covering routine inspections, pump servicing, heat transfer fluid replacement, and controller calibration. These costs are recurring, escalate with system age, and are not captured in manufacturer payback projections, which are consistently optimistic relative to real-world operational experience.

Real-world utility bill savings data reported by pool operators such the WaterWorld pools owner which has both solar and gas heater and gas heater without solar (i.e., As provided in our earlier solar pool heating letter from July of 2026) shows the cost benefit of having solar and gas heater is minimal savings vs. having only efficient gas heaters. The WaterWorld pool energy bill information in our July letter showed the net annual energy savings from solar thermal systems amount to $500 to $2,000 per year. At those savings rates, the simple payback period for a $30,000 system ranges from 15 to 60 years — far exceeding the realistic service life of the installed equipment. This is not a sound financial investment if the retrofit is based on an energy cost savings strategy, especially for public and nonprofit operators already operating under constrained budgets.

For municipal aquatic departments, school district pools, and nonprofit aquatic centers facing ongoing budget shortfalls, a capital expenditure of this magnitude — without dedicated and reliable state grant funding — will produce one outcome: pool closure. The CEC must conduct and publish a full, transparent lifecycle cost-benefit analysis using independently verified, real-world operational data before finalizing any rule. The analysis must reflect actual facility-level savings — not manufacturer or modeled projections — and must account for replacement costs, system downtime, and failure-mode expenditures. If the regulation proceeds, the Commission must establish a dedicated grant program and low-interest loan fund to cover compliance costs for

public, school, and nonprofit facilities that cannot finance solar thermal installation without closure risk.

VIII. REQUESTED ACTIONS

Based on the foregoing legal, public health, equity, technical, and financial objections, the undersigned organizations respectfully request that the California Energy Commission take the following actions:

1. Withdraw the proposed regulation in its entirety and conduct a comprehensive public health impact assessment — in coordination with the California Department of Public Health and supported by California's highly respected drowning prevention community — before re-initiating any rulemaking that would impose conditions on public swimming pool operation.

2. Commission an independent, peer-reviewed Environmental Justice analysis examining the regulation's disparate impacts on low-income, Black, Latino, and other underserved communities before any rulemaking action is taken, consistent with the Commission's obligations under California's environmental justice framework.

3. If rulemaking continues, explicitly recognize high-efficiency gas heaters achieving a minimum thermal efficiency of 88 percent – and acknowledging some pool operators and owners say 82 percent efficiency gas heaters can achieve real world comparison energy use bills on similar sized pools comparatively close to the energy use goals as higher efficiency gas heaters - as a fully compliant alternative to solar thermal systems, particularly for facilities where solar thermal installation is not technically or financially feasible.

4. Exempt public pools operated by municipalities, school districts, nonprofit organizations, and community recreation providers from any mandatory solar thermal requirement, or establish a meaningful hardship waiver process with clear, accessible eligibility criteria and an expedited review timeline, as discussed above in the opening of the letter.

5. Require a full lifecycle cost-benefit analysis using independently verified, real-world utility bill data from operating California pool facilities — not modeled or manufacturer-supplied projections — before any final rule is adopted.

6. Establish a dedicated grant and low-interest loan fund adequate to cover solar thermal or higher gas efficiency heater compliance costs for public, school district, and nonprofit aquatic facilities that cannot finance required installations without closure risk, prior to any effective date for the regulation.

7. Extend the public comment period and schedule additional public hearings in communities disproportionately reliant on public pools — including urban, rural, and low-income areas — to ensure the voices of those most affected by this regulation are

heard and incorporated into the rulemaking record. The Drowning Prevention Foundation and California Coalition for Children's Safety and Health are ready to assist CEC in identifying community leaders in areas most at risk to include in an extended public comment period.

The organizations signing this letter are committed to both environmental sustainability and the protection of public health. These goals are not in conflict — but the proposed regulation, as currently written, sacrifices the latter for a negligible contribution to the former. We stand ready to engage constructively and in good faith with the California Energy Commission to develop energy efficiency policies for aquatic facilities that are technically sound, financially realistic, legally defensible, and protective of the communities that depend on public pools for their safety and well-being.

We agree with the position letters and other data and facts submitted by our affiliates from the United States Swim Schools Association and the California Pool and Spa Association/Pool Hot Tub Association.

We respectfully request written confirmation of receipt of this letter and a substantive written response addressing each of the objections and requests set forth herein. This letter should be entered into the official rulemaking record in its entirety.

Thank you for your attention to this matter.

Respectfully submitted, submitted by:
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cc:
California Department of Public Health, Director
State Water Resources Control Board
Governor's Office of Planning and Research
CEC Commissioner Siva Gunda, Vice Chair
CEC Commissioner Noemi Otilia Osuna Gallardo
CEC Commissioner J. Andrew McAllister
CEC Commissioner Nancy Skinner
USSSA President Rose Cholewinski, Owner SwimAmerica Davis
California Pool and Spa Association, Governmental Affairs Director, John Norwood

[i] At-risk populations that would be negatively impacted by the proposed solar pool heating regulation would fall most dramatically on underserved communities especially communities with larger percentages of Black and Native American populations, and children with autism. Where data research shows a far higher rate and percentage of children and teenagers living in socioeconomic challenged families (CDC WISQARS, CA DPH Epicenter, Red Cross, American Academy of Pediatrics, and other academic and drowning prevention experts.)