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Information Technology Industry Council

October 2, 2015

Ms. Kristen Driskell
Mr. Ken Rider
Mr. Harinder Singh
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

Re: CEC Battery Charger Regulation: Rechargeable Battery Subsystems

ITI respectfully requests that the CEC immediately provide a timeline and clear regulatory path forward for excluding rechargeable battery subsystems from the scope of the CEC battery charger rule.[1] On April 7th, ITI submitted the attached letter to the CEC detailing concerns with the current and incorrect inclusion of rechargeable battery subsystems under the definition and scope of the rule. The products of concern are non-consumer products with battery charger and battery charger systems that include rechargeable batteries as defined by the regulation but do not support primary function of the product when the main power is not present. On January 1, 2017, when the scope of the rule expands to include non-consumer battery chargers, many non-consumer products, including servers, workstation computers, storage controllers and industrial & scientific equipment, that would incorrectly qualify as battery chargers and battery charger systems under the scope of the regulation, but for which there is no appropriate test procedure or certification, would no longer be able to be shipped or sold in the State of California. To avoid supply chain disruption, industry urgently requires regulatory action by the CEC to exclude the products of concern from the scope of the rule by December 31, 2015.

Numerous ICT products, including servers, workstation computers, storage controllers, industrial & scientific equipment and other products, utilize rechargeable battery subsystems, which are ***batteries and battery charger systems contained completely within a larger product that are not capable of providing normal operation of the parent product when main power is removed.*** These products are functionally different from other battery chargers covered under the regulation as the batteries and battery charger systems cannot be effectively isolated for testing. These products were not taken into consideration during the CEC rulemaking process. Furthermore, there is currently no appropriate test procedure available to test the battery charger systems in these products, so it is impossible for manufacturers to test for or certify compliance. These rechargeable battery subsystems are distinct

[1] California Energy Commission, Appliance Efficiency Regulations, Battery Charger Systems and Self-Contained Lighting Controls Filed September 14, 2012 Title 20, Sections 1601-1608, available at: www.energy.ca.gov/2012publications/CEC-400-2012-011/CEC-400-2012-011-CMF.pdf.

from backup batteries referenced in the August 6, 2015 DOE Notice of Proposed Rulemaking (NOPR) on Test Procedures for Battery Chargers.[2]

In summary, products with rechargeable battery subsystems are included in the scope of the CEC battery charger regulation, but there is no appropriate test procedure in place to test or certify these products. To avoid supply chain disruptions leading up to the January 1, 2017 expansion of scope to non-consumer products, ITI respectfully requests that the CEC align the scope of the rule with the scope of the test procedure by explicitly excluding rechargeable battery subsystems from the rule.

Sincerely,

/s/ Joseph Andersen

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[2] DOE provides the following definition of back-up batteries, which are distinct devices from rechargeable battery subsystems. "Based on comments received from interested parties and DOE's own analysis, DOE is proposing to define back-up battery chargers and exclude them from the scope of this test procedure. DOE is proposing to define back-up battery chargers in 10 CFR 430.2 as a battery charger that: (1) Is embedded in a separate end-use product that is designed to continuously operate using main power (AC or DC) and (2) has as its sole purpose to recharge a battery used to maintain continuity of load power in case of input power failure." *See* US Department of Energy, Notice of Proposed Rulemaking: Test Procedures for Battery Chargers, 80 FR 46860 (Aug. 6, 2015), available at www.regulations.gov/#!documentDetail;D=EERE-2014-BT-TP-0044-0001.