

## DOCKETED

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CALIFORNIA ENERGY COMMISSION  
LEAD COMMISSIONER PUBLIC MEETING

In the Matter of: ) Docket No. 18-AAER-10  
)  
) PUBLIC MEETING  
*Rulemaking for Amendments to* )  
*Title 20 Appliance Efficiency* ) RE: Rulemaking for  
*Regulations* ) Amendments to Title 20  
) Appliance Efficiency  
) Regulations

CALIFORNIA ENERGY COMMISSION  
THE WARREN-ALQUIST STATE ENERGY BUILDING  
FIRST FLOOR, ROSENFELD HEARING ROOM  
1516 NINTH STREET  
SACRAMENTO, CALIFORNIA

TUESDAY, APRIL 24, 2018

10:00 A.M.

Reported By:  
Peter Petty

## APPEARANCES

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Andrew McAllister, Commissioner

CEC Staff:

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## 1 P R O C E E D I N G S

2 APRIL 24, 2018

10:00 a.m.

3 MS. DRISKELL: Good morning. My name is Kristen  
4 Driskell. I'm the Manager of the Appliances and Outreach  
5 and Education Office at the Energy Commission.

6 I'll start in the room with some housekeeping  
7 items. This conference is being recorded, both by a court  
8 reporter and by WebEx. For those of you not familiar with  
9 this building, the nearest restrooms are located outside  
10 this door and to the left. There are additional restrooms  
11 located out this door and to the right in the back corner.

12 There was a snack bar on the second floor. Now  
13 there are some vending machines. If you need a snack, you  
14 can use those. In the event of an emergency and the  
15 building is evacuated, please follow our staff to the  
16 appropriate exits. We will reconvene across the street at  
17 Roosevelt Park.

18 This is our agenda for today's meeting. I am  
19 welcoming you now. And in just a minute I'll turn it over  
20 to Commissioner McAllister for some opening remarks and  
21 then I'll provide some background on the proceeding.

22 We'll then turn it to Carlos Baez, an Associate  
23 Energy Specialist in our office, to present the proposed  
24 changes to our Title 20 Regulations.

25 Then we will take public comment and discussion

1 before wrapping up. All of these times are estimates and  
2 we may move faster or slower depending on the public  
3 discussion at today's meeting.

4           If you are in the room and you would like to  
5 comment, please come up to the podium, introduce yourself  
6 and who you represent, and make your comments. If you are  
7 joining us online and wish to comment, please use the  
8 raised hand feature and we will unmute you after taking  
9 comments in the room. If you are looking at your icon on  
10 the -- looking at your cell phone line and you don't see a  
11 phone or computer headset icon next to your name, it means  
12 we can't identify you, and we can't unmute you. So if  
13 that's the case, please hang up and dial back in using the  
14 audio pin, or have WebEx call you so that we can unmute  
15 your phone.

16           You can also comment using the chat feature. We  
17 will read those chats into the record and then respond  
18 accordingly.

19           I'll now turn it over to Commissioner McAllister  
20 for some opening remarks.

21           COMMISSIONER MCALLISTER: All right, thank you  
22 Kristin.

23           So welcome everyone. Thanks for coming. I want  
24 to thank Carlos as well for making sure that I knew about  
25 this and I could come open the proceedings. But this is an

1 important proceeding, because it really makes us current.  
2 It's a cleanup and cleanup generally and then just updating  
3 our regs to reflect the current reality.

4 Title 20 is meant to be an accurate  
5 representation of all of the regulations that are in place,  
6 both nationally and state. And so in the case that the  
7 feds repeal or step backwards then we will maintain that  
8 backstop at the current regs. So that's an important sort  
9 of safeguard to have in place.

10 And then, reducing confusion, clarity of  
11 language, incorporating MAEDbS, the database, the  
12 certification database in the regs is really important.  
13 It's a couple of years, three years old now roughly, and so  
14 it needs to be reflected in the regulations. And  
15 readability and usability, in general.

16 So really looking forward to everyone's comments,  
17 where there's a pain point of lack of clarity or something  
18 that's caused confusion with you or your membership or your  
19 stakeholders out there in the world or in other agencies,  
20 we want to know about it so we can fix it and make it as  
21 clear as possible.

22 And so that's the nature of this rulemaking and  
23 hopefully everybody has come with some points and some  
24 ideas for how to get where we need to go. So I think we've  
25 got very capable staff running the show here and I'll let

1 you all get moving. Thanks very much.

2 MS. DRISKELL: Thank you, Commissioner.

3 Now I'll just provide some overview and  
4 background before handing it over to Carlos. This is an  
5 overview of our rulemaking process for this proceeding.

6  
7 We recently, and I'll cover this, published a  
8 Notice of Proposed Action, Initial Statement of Reasons and  
9 Proposed Regulatory Text, triggering a 45-day comment  
10 period. And this workshop is in the middle of that 45-day  
11 comment period.

12 We'll then have a public hearing at which we'll  
13 adopt the regulations. It's part of our formal business  
14 meetings. After that, we submit the Final Rulemaking  
15 Package to the Office of Administrative Law and the  
16 regulations take affect after OAL approval. If there are  
17 changes to the regulations, there would be a 15-day comment  
18 period after that 45-day comment period and before the  
19 Business Meeting. So there would be another opportunity to  
20 comment if we make any changes to the regulations.

21 There's also an opportunity to comment at that  
22 adoption hearing at the Business Meeting. So there are  
23 several more opportunities for public comment in addition  
24 to today.

25 We began this rulemaking more than two years ago,



1 with an order instituting rulemaking, in which the Energy  
2 Commission ordered staff to make clarifying amendments to  
3 Title 20 that don't change the underlying efficiency  
4 levels. These changes included federal updates, standards  
5 that have taken effect federally or will take effect  
6 federally, changes that don't change the substance, so  
7 typographical errors and things like that, as well as  
8 changes to reflect the new database.

9 On March 30th, we published our Notice of  
10 Proposed Action, our Initial Statement of Reasons and the  
11 Proposed Regulatory Text. The information was also  
12 published in the *California Regulatory Notice Register* and  
13 this began our formal 45-day comment period. The comment  
14 period ends at 5:00 o'clock p.m. on Monday, May 14th and  
15 Carlos will cover how to submit comments to our docket.

16 At this point I'll turn it over to Carlos to  
17 present the actual changes.

18 MR. BAEZ: All right, thank you Kristen. My  
19 name's Carlos Baez from the Efficiency Division, the Office  
20 of Appliances and Outreach and Education.

21 As Kristen mentioned, these slides are now  
22 available online. You can access them through our docket  
23 page, on our website. And this meeting will be recorded  
24 and docked also.

25 As mentioned before if you have any comments,

1 please save them for the very end. We'll have plenty of  
2 time for questions and discussion period following the  
3 presentation.

4 All right, so first a short overview about this  
5 rulemaking. This rulemaking covers the entire Title 20  
6 Appliance Efficiency Regulations from the very first  
7 section, Section 1601 all the way through to the end,  
8 Section 1609. This includes table X, which specifies data  
9 certification requirements when certifying models to our  
10 MAEDbS database.

11 The purpose of this rulemaking is to provide  
12 clarification, improve readability and reflect current laws  
13 in effect regarding appliance efficiency. This is  
14 federally and also at the state level.

15 In this rulemaking, there are no changes to  
16 underlying energy and water efficiency standards or  
17 savings.

18 We'll pause for one second. I think the WebEx  
19 can't hear us online.

20 (Pause to address WebEx issues.)

21 MR. BAEZ: Okay. It appears the audio is fixed  
22 now. We'll continue.

23 All right, so overall in this rulemaking, we  
24 divided it up into five major types of changes. And I'll  
25 go into more detail about these throughout the

1 presentation. First are updates to reflect current federal  
2 law implemented by the Department of Energy. Next, are  
3 updates to state-specific requirements. There's also  
4 updates to certification to reflect the Modernized  
5 Appliance Efficiency Database System, also called MAEDbS.

6 Next are updates to data submittal requirements  
7 and lastly, are fixes to improve overall readability. And  
8 this last change comprises a majority of the edits in this  
9 rulemaking. If you were to look in the Initial Statement  
10 of Reasons, you would see that these fixes to improve  
11 readability would account to over half of the overall  
12 changes.

13 All right, so first I'll get into the updates to  
14 reflect current federal law. These changes are primarily  
15 in Section 1602, which are definitions. These are  
16 definitions for appliances, different terms used throughout  
17 the regulations, some terms used for testing and other  
18 things like that. Section 1604, which specifies testing  
19 requirements for all of our regulated appliances; Section  
20 1605.1, which are the standards for federally-regulated  
21 appliances and Section 1606, which is for certification to  
22 our database.

23 So regarding these changes, we will be adding and  
24 amending definitions, test procedures and energy  
25 performance standards in accordance with federal law,

1 currently in effect. Compliance with federal requirements  
2 is mandatory regardless if they are, or are not, shown in  
3 Title 20. These amendments in this rulemaking are  
4 necessary for clarification purposes.

5 Title 20 is intended to be a complete source of  
6 information regarding Appliance Efficiency Standards for  
7 the federal standards and California standards as well. So  
8 yeah, this is why it's important to update the federal  
9 language that we reflect in our regulations, to be as up to  
10 date as we can be.

11 Here's an example of us amending a definition to  
12 match the DOE language. This is in Section 1602(b). This  
13 is the definition for a refrigerator. As you can see in  
14 the first paragraph, we're striking out almost the entire  
15 existing text and we're replacing it with the underlined  
16 text below. And what we're doing here is amending the  
17 definition to match exactly what's found in federal  
18 language. This is in 10 CFR Section 430.2.

19 So the reason for this is just for consistency  
20 among agencies and to reduce any confusion and just have  
21 one set definition where we can. So throughout 1602, you'll  
22 see many changes like this where we're amending definitions  
23 or adding completely new definitions to align better with  
24 DOE.

25 So here's a list of appliances with either

1 updated federal standards and/or test procedures. I'll  
2 quickly read through them. Refrigeration products and  
3 freezers, water heaters, wine chillers, also called  
4 coolers, battery chargers, ceiling fans and ceiling fan  
5 light kits, pumps, combined cooking products, electric  
6 motors, external power supplies, dehumidifiers, residential  
7 furnace fans, boilers and furnaces, pool heaters,  
8 commercial clothes washers, clothes dryers, compressors,  
9 lighting products, air conditioning products and commercial  
10 pre-rinse spray valves. And I'll go into more detail about  
11 a few of these later on.

12           For some of these we're simply just adding future  
13 standards that will go into effect, future federal  
14 standards. An example with ceiling fans, they have new  
15 federal standards that go into effect in 2020. So we're  
16 simply just adding those upcoming standards into our  
17 regulations in anticipation of this effective date. That  
18 is also the case for boilers and a couple others.

19           What I'll go into a little more detail about is  
20 federally-regulated battery chargers. Note that these are  
21 separate from our current state-regulated battery charger  
22 systems.

23           Battery chargers are essentially any consumer  
24 product with a rechargeable battery. As you can see by the  
25 pictures, it's a wide range of products. You have cell

1 phones, electric tooth brushes, Bluetooth headphones. And  
2 again, these are separate from our current state-regulated  
3 standards.

4           So for these federally-regulated battery  
5 chargers, new federal standards go into effect on June  
6 13th, 2018.

7           The majority of our current state-regulated  
8 battery charger systems will fall under the scope of  
9 federally regulated, and will be required to comply with  
10 these new federal standards.

11           Any products not included in the federal scope  
12 will remain regulated as state-regulated battery charger  
13 systems. Examples of these are non-consumer products, dry  
14 induction-type battery chargers and a few others. This is  
15 because of the scope of state-regulated battery charger  
16 systems is larger than the scope of federally-regulated  
17 battery chargers. So that's why after the effective date,  
18 we'll see some products that don't fall under the federal  
19 scope.

20           So regarding these changes for this appliance  
21 type we'll be updating battery charger standards to reflect  
22 new federal standards for these federally-regulated battery  
23 chargers. We'll be aligning test procedures for state-  
24 regulated small battery chargers, excluding battery backups  
25 with the current federal test procedure to reduce testing

1 burden. The federal test method is currently in effect and  
2 has been for quite some time now. It's the upcoming  
3 standards that are new, the new standards in June.

4 We'll also be aligning data collected for  
5 federally-regulated battery chargers with DOE's CCMS  
6 database requirements. So where we could, we took DOE's  
7 required fields from their database and we'll be adding  
8 those into our Table X, to align with DOE's data  
9 collection. And yeah, and again this is just to reduce the  
10 certification, the burden of certifying twice.

11 A guidance letter with published on February 1st,  
12 2018, regarding certifying these types of appliances and I  
13 posted a link there at the bottom. That letter provides a  
14 little more overview and guidance on certification of  
15 battery chargers.

16 Next, I'll go over some updates to state-specific  
17 requirements. These changes are primarily in Section 1604,  
18 which is for testing; 1605.3, which are state standards for  
19 non-federally regulated appliances and 1606 for  
20 certification.

21 When preempted by federal law, we'll be removing  
22 state standards and state test procedures for appliances  
23 that are now federally regulated. Since we're preempted,  
24 it would be inaccurate to leave in the state requirements,  
25 so we're removing them where we can.

1           When appropriate, we're aligning state test  
2 procedures with federal test procedures. Examples are  
3 lamps, and as I mentioned right before, state-regulated  
4 battery charger systems. In these cases, we're not quite  
5 preempted, but we're choosing to align with DOE for  
6 testing. For these California specific changes, we are not  
7 introducing any new energy performance standards.

8           Here's an example from the proposed language.  
9 This is an example of removing state test procedures due to  
10 preemption. This is in 1604(f), for the testing  
11 requirements for water heaters. As you can see, the very  
12 top line has language for small water heaters and it says  
13 that the test methods are shown in Table F-1, which is  
14 shown down below. We're completely striking that first  
15 line and the associated table, since we're now preempted.

16           Some examples in the table are booster water  
17 heaters, hot water dispensers, mini-tank electric water  
18 heaters, gas and oil storage types. We're preempted by DOE  
19 since they cover residential water heaters, which is shown  
20 in the underlined text. And for residential water heaters  
21 there's only one applicable test method. So we're removing  
22 all of our previous language for the state testing and  
23 also terminology. As you can see in the table, hot water  
24 dispensers and all those, those are preempted as they are  
25 now covered under residential water heaters. So there's a



1 lot of examples like this throughout 1604 and also in our  
2 standards sections.

3           One other change is regarding our marking  
4 requirement for distribution transformers. For these  
5 products, they will no longer be required to comply with  
6 the labeling requirements of NEMA Standard TP3-2000. This  
7 standard is no longer maintained and is out of date. So  
8 we'll be removing this requirement and instead replacing it  
9 with a requirement that these products must be labeled with  
10 the phrase "DOE compliant."

11           Another state specific change is regarding  
12 portable luminaries. Portable luminaries are any type of  
13 desk lamp or table lamp or product similar to that. In our  
14 current language, there's a requirement in Section 1606(j),  
15 which specifies that manufacturers must submit annual sales  
16 data to the Energy Commission. We'll be completely  
17 striking out this requirement. The reason is that the data  
18 that we gather in MAEDbS is sufficient for us. All the  
19 data we're seeking is already obtained through the data  
20 submission process for these appliance types. So we see  
21 this requirement no longer needed or necessary, so we're  
22 completely striking out that Section 1606(j).

23           All right, next updates to certifications to  
24 reflect the Modernized Appliance Efficiency Database  
25 System. So for these changes, they are primarily in 1606

1 for certification. This includes Table X, which specifies  
2 data fields that are required to be submitted during the  
3 certification process and also Section 1608 for compliance,  
4 enforcement, and general administrative matters.

5 The Modernized Appliance Efficiency Database  
6 System, MAEDbS, is the current version of the database used  
7 to certify and list models of regulated appliances.

8 Certification of appliance models is required for  
9 regulated appliances to be sold or offered for sale in  
10 California. MAEDbS has built-in validations to check  
11 compliance with the standards. Each submittal that comes  
12 through, which contains one or more regulated models, staff  
13 approves or rejects each of these submittals that comes  
14 through and notifications are sent out to manufacturers.

15 The current version of the regulations reference  
16 a generic database. Our current MAEDbS system was  
17 implemented in 2015. And this was after our last big kind  
18 of amendment or cleanup rulemaking like this. So our  
19 current regulations don't reflect MAEDbS, so a lot of the  
20 changes will be to come up to speed with our current  
21 certification process.

22 So some of the changes are to update terminology  
23 and procedures discussed in the regulations to be  
24 consistent with MAEDbS. For example, throughout we'll be  
25 changing the word database to MAEDbS, to accurately reflect

1 the name. We'll be calling the active database, the  
2 "approved" database and similarly calling the historical  
3 database the "archived" database. And this is to be  
4 consistent with what's specified in MAEDbS.

5           So within MAEDbS, when a model is submitted and  
6 compliant, with the most current standards, it's listed in  
7 what we call the approved database. This lists everything  
8 that's compliant with whatever is current at the time. But  
9 if new standards are effective or a new test procedure  
10 comes out, those models are moved to the archived database.  
11 This means at the time they were certified they were  
12 compliant, but since then new requirements that have come  
13 out to show that they're not quite the most current with  
14 the standards.

15           Another change, we'll be specifying that the  
16 manufacturer's designated contact person will be notified  
17 via email when submittals are approved or rejected. The  
18 contact information is already obtained and is submitted  
19 during the account creation process, so this isn't  
20 necessarily a new requirement. We're just now specifying  
21 the process in our regulations.

22           Another change that we'll be clarifying, that all  
23 data submissions are to be submitted electronically through  
24 MAEDbS. No emails are needed to be sent to us. No test  
25 reports are required unless we specifically request them.

1 MAEDbS currently has all the tools already built in that  
2 are needed for certification.

3           Some changes regarding communications.  
4 Notifications regarding archiving appliance models will be  
5 conducted via email instead of registered or certified  
6 physical mail. This is a change we are looking forward to,  
7 essentially just because we'll be saving a lot on paper and  
8 postage. We've seen in the past they can be a bit of a  
9 waste to have these huge mail-outs. And we've also seen  
10 that email communication is a lot more reliable than paper  
11 notices.

12           And as I mentioned before, models are archived  
13 due to new standards coming out or a new test method being  
14 implemented and effective. So once those models are moved  
15 from the approved database, to the archived database, we  
16 send notices out to manufacturers letting them know of this  
17 change.

18           Another change, that second bullet, no separate  
19 notification will be provided to manufacturers if a model  
20 is archived, because it does not meet the current  
21 standards. The initial notice will be sent out notifying  
22 them, but we're removing the requirement that an additional  
23 separate notice will be sent out.

24           MR. BAEZ: All right, next updates to data  
25 submittal requirements.

1           So this is all regarding Table X, which is for  
2 data submittal requirements. This specifies all the  
3 required fields that are needed to be submitted during the  
4 certification process. And Table X lists out appliance by  
5 appliance all the fields needed. It takes up a large  
6 portion of our Title 20 Regulations.

7           The very top row there is the required fields for  
8 all appliances. You can see there's five of them.  
9 Manufacturer name, brand name, model number, date model to  
10 be displayed. So for example, if you certify the model  
11 today you can choose to have it displayed at a later time.  
12 And also, regulatory status, this specifies if it's  
13 federally regulated or some other type of regulation  
14 applying to it.

15           And so yeah, following this "All Appliances"  
16 field it lists out the regulated appliances in their  
17 required fields.

18           Okay. This Table X specifies the data parameters  
19 required to be submitted for certification to MAEDbS.  
20 Title 20 specifies that all regulated appliances, whether  
21 federal or state, are required to be certified to MAEDbS in  
22 order to be sold or offered for sale in California.

23           We'll be updating the required fields in Table X  
24 based on changes or updates to test methods and energy  
25 performance standards. As I mentioned towards the

1 beginning, we're making a lot of updates to align with  
2 DOE's current requirements. And a lot of those amendments  
3 earlier in the regulations are also again going to be  
4 reflected here in Table X due to updates in federal  
5 standards or test methods.

6           Where we can we'll be removing redundant and  
7 unnecessary fields. And we'll also be editing names of  
8 fields in Table X to be consistent with MAEDbS. So this is  
9 just to avoid any confusion and to accurately reflect the  
10 name.

11           There are new federally-regulated appliance types  
12 and we'll be adding these and their associated fields in  
13 the Table X. These are pumps, battery chargers, walk-in  
14 coolers and freezers and low-profile ceiling fans.

15           So for pumps, these have federal standards that  
16 go into effect on January 27th, 2020. We're adding this as  
17 a new appliance type and all the associated fields. But  
18 please note that certification won't be required until this  
19 effective date of January 27, 2020. And within Table X  
20 we're also explaining that in parenthesis. That  
21 certification won't be required immediately.

22           Battery chargers, I already went to a bit of  
23 detail about these. But yeah, once again federal standards  
24 go into effect on June 13th, 2018. We'll be adding  
25 federally-regulated battery charger as a new appliance type

1 and the data parameters to align with DOE's CCMS database.  
2 And again, this is separate from state-regulated battery  
3 charger systems.

4 Walk-in coolers and freezers, federal standards  
5 are currently in effect for this appliance type. We'll be  
6 adding data parameters to align with DOE's CCMS database  
7 for these.

8 And finally, low-profile ceiling fans also called  
9 hugger fans, the current federal test procedure is now  
10 applicable to this subset of ceiling fans. These are no  
11 longer exempt and are now required to be certified under  
12 the ceiling fan appliance type and certification will be  
13 required pending approval of this rulemaking.

14 So here's another example from our proposed  
15 language. This is in Table X. This is for the required  
16 fields for ceiling fans. As you could see in the left-hand  
17 column the current language has the phrase "except low-  
18 profile ceiling fans." As I explained earlier, these are  
19 no longer exempt due to a change in the test procedure. So  
20 we're removing that exception.

21 And also, in the middle column we're adding some  
22 new fields based on the upcoming standards that will be  
23 effective 2020. But depending on the fields a lot of these  
24 won't be required until that 2020 effective date, but we're  
25 putting these fields in anticipation of these upcoming

1 standards.

2           So throughout Table X there's different changes  
3 like this to reflect different updates for standards or  
4 test methods.

5           All right, so finally fixes to improve overall  
6 readability of the regulations. These changes are  
7 throughout the entire Title 20 Regulations, and comprise a  
8 majority of the amendments in this rulemaking. These are  
9 grammatical, typographical and formatting edits that are in  
10 accordance with the California Style Manual and Bluebook.

11           These edits are to maintain style consistency  
12 within the regulation. For example, subsection headings  
13 and lists, we're making sure that they all look the same,  
14 involve the same format and are listed appropriately.

15           We're updating cross-references within the  
16 regulations themselves. So for example, within Table X if  
17 we reference specific language from Section 1604 we're  
18 making sure that those cross references are formatted the  
19 same and making sure that they're accurate also.

20           And where we can, we're removing any outdated  
21 language.

22           Here's an example of removing outdated language.  
23 This is in 1605.1(o). These are federal standards for  
24 dishwashers. This is Table O, which specifies the  
25 standards for these appliance types. You can see the



1 middle column has standards that are effective January 1,  
2 2010 and the right-hand side has standards that are  
3 effective May 30th, 2013.

4 We're simply just striking out the outdated  
5 standards in 2010 since the 2013 standards are -- since  
6 they trump the 2010 standards and are now effective. We  
7 don't see it necessary to include these old standards.

8 We'd like to keep our Title 20 Regulations as  
9 slim as we can. It's not meant to be a historical archive.  
10 For historical purposes or research purposes you could  
11 always see our previous standards on our website. The  
12 rulemakings in previous versions of Title 20 can be found  
13 listed chronologically on our website.

14 We want our current Title 20 Regulations to  
15 reflect just the current regulations in place. And it also  
16 includes some future standards that will be implemented  
17 within the next year or so.

18 So as you can see we're here at the public  
19 workshop during the 45-day comment period. Following this  
20 will be a Business Meeting here at the CEC where these  
21 proposed regulations will be adopted.

22 Following that we'll be submitting a Final  
23 Rulemaking Package to the Office of Administrative Law.  
24 And pending approval with them, we'll be given an effective  
25 date of these proposed updates.

1 Any comments for this rulemaking are due by 5:00  
2 p.m. on Monday, May 14th, 2018. To submit electronically,  
3 please see the website there. That's a link to the docket  
4 page and there's a part you can hover over that says,  
5 "submit e-comment."

6 If you'd like submit a hard copy please mail it  
7 over to California Energy Commission Dockets Unit, Docket  
8 Number 18-AAER-10, 1516 Ninth Street, MS-4, Sacramento,  
9 California 95814.

10 If you'd like to send a digital copy please email  
11 [docket@energy.ca.gov](mailto:docket@energy.ca.gov). When you do this please include the  
12 Docket Number 18-AAER-10 and indicate "Amendments to Title  
13 20 Rulemaking" in the subject line.

14 And here's my contact information. Please call  
15 or email me if you have any questions or comments about  
16 this rulemaking. There's my email there and my phone  
17 number, 916-654-4719.

18 All right. Thank you. That concludes the formal  
19 presentation.

20 We can now start the comment period. As I  
21 mentioned these slides are now available on the docket page  
22 if you'd like to review them again. And also, this entire  
23 meeting is being recorded and this recording will also be  
24 posted on the docket page, probably within the next few  
25 days.

1           Within the room if you have comments, please  
2 either step up to the podium or the seats with the  
3 microphone and make sure the mic's turned on. Then please  
4 state your name and your organization.

5           And for the folks online, use the hand-raise  
6 function if you'd like to speak and we'll unmute you. And  
7 you could also type your comments in the chat box in WebEx  
8 if you prefer that.

9           All right. Thank you.

10          (Off mic colloquy to set up mic.)

11          MS. PETRILLO-GROH: Good morning. My name is  
12 Laura Petrillo-Groh from the Air Conditioning, Heating and  
13 Refrigeration Institute.

14          First, I would like to thank CEC staff: Carlos,  
15 Kristen and the rest of your team for working so closely  
16 with us in advance of this regulation. I think that you  
17 guys have done a very excellent job. I have a few  
18 questions and comments.

19          I understand from a conversation earlier today  
20 that language, which I thought was new in Section 1603,  
21 which I thought added a new definition for an approved  
22 industry certification program is just a relocation.  
23 Understanding that, I would like to ask CEC staff to  
24 consider how these provisions, especially in 1603.1(C)  
25 (3) (b) and (c) will be impacted by potential component

1 regulations, particularly for fans. There may be some  
2 complications in publishing correct information if there  
3 are components that are embedded into other products.

4           Along those lines in Table X, the Regulatory  
5 Status Field may also be complicated by a component  
6 regulation. So perhaps in the review of that fans  
7 regulation someone could see or explain to the public how  
8 we could comply with the California CCMS MAEDbS database  
9 and publish information about regulation of components.

10           The other question I have is related to 1605.1, I  
11 believe Tables A-10 and 11, the standards for walk-in  
12 coolers and freezers. CEC lists a compliance date of June  
13 5th, 2017, which technically is in alignment with the  
14 federal reg. However, on February 1st of 2016 DOE issued  
15 enforcement guidance for four energy conservation standards  
16 applicable to dedicated condensing refrigeration systems  
17 operating at medium temperatures. And for those products  
18 the DOE issued that enforcement guidance, as not  
19 enforcement until January 1st of 2020.

20           I'm interested to know how CEC will comply with  
21 that enforcement guidance, whether written in the  
22 regulation or issue their own enforcement guidance.

23           Also, I would be remiss if I did not use this  
24 opportunity to suggest that CEC adopt a web service tool  
25 for the database. It does take significant man hours in

1 order to make submissions to that database. AHRI and CEC  
2 have a special relationship in this term or with this  
3 issue, so if there's anything that we can do to help. If  
4 there are reservations on CEC's end we would be happy to  
5 help instigate that process.

6 And I would also lastly, like to suggest  
7 publication of secondary validations for the database.  
8 There are times when we, in the programming of our  
9 database, end up with conflicts that are time consuming and  
10 lead to conflicts in publishing our members' records on  
11 time. So if that was at all possible we would appreciate  
12 publication of those secondary validations.

13 But overall, thank you so much for updating it  
14 and for working with us in advance.

15 MR. BAEZ: Thank you. We'll be addressing these  
16 comments later on.

17 MS. DRISKELL: Just to answer, this is Kristen  
18 Driskell, just to answer a couple of your questions.

19 Correct, we moved 1603 -- 1603(b) is a move from  
20 1602 where the approved industry certification program used  
21 to be laid out as a definition. We moved to it 1603(b), so  
22 that it makes more sense, because it's not really a  
23 definition, it's a program. We'll have to consider, I  
24 think as part of the fans rulemaking, how that affects the  
25 implementation of a fan standard. But I think we need to

1 handle that in a separate rulemaking. It's not really in  
2 the scope of this one.

3 And last, you asked about the enforcement  
4 guidance on walk-in coolers. We'll have to take a look  
5 into that and see how to incorporate that into our own  
6 regulations. So thank you for bringing that up, I don't  
7 think we were aware of it.

8 MS. PETRILLO-GROH: Okay.

9 MR. BAEZ: Okay, any more comments in the room?

10 MR. MESSNER: Good morning, Kevin Messner with  
11 the Association of Home Appliance Manufacturers.

12 I just wanted to say just thank you. I mean,  
13 this is good that you guys are doing this. I looked back  
14 at our comments when you started this regular, the more  
15 regular updates, the first one and we had pages and pages  
16 of comments. And we'll submit written comments on some  
17 more details, but the current draft of our comments is  
18 significantly shorter and a lot of positive things. So I  
19 think this has really been a helpful process where you  
20 readdress these on a frequent basis instead of how it used  
21 to be, I don't know how long ago when you started this,  
22 six, seven years ago where this -- I don't know when it  
23 happened. So thank you. It's really good and really  
24 helpful.

25 Only one question I had and we'll put in our

1 comments, the battery chargers, I'm reading it right it  
2 didn't take out the marking of the BC mark, but that was  
3 approved earlier. And I didn't know whether that was just  
4 a timing issue, because the proposed language happened  
5 before the Business Meeting. We'll comment on that unless  
6 there is something that I missed that it was already in  
7 there somewhere.

8 MS. DRISKELL: This is Kristen again. The  
9 battery charger marking requirement was removed for  
10 federally-regulated battery chargers in the Portable  
11 Electric Spa Rulemaking. So that's already been done.  
12 We'll have to update this rulemaking to remove that  
13 provision that was removed in the other rulemaking. So  
14 there is a timing error there.

15 MR. MESSNER: That's what I thought and that's  
16 what -- well, that's what I thought. Thanks for making  
17 sure I wasn't going too crazy.MR. BAEZ: Thank you, Kevin.

18 All right, anyone else in the room?

19 (No audible response.)

20 Daniel, I see you typed. Do you have a comment?  
21 I can't quite unmute you, you don't have the -- it looks  
22 like you're not connected to audio. But you could type  
23 your comment into the chat box here, or if we can't get to  
24 you here then please submit an e-comment through our  
25 docket.

1 All right, anyone else online? Yeah, again if  
2 you have a question or comment please use the hand-raise  
3 function or chat box. We could have a discussion open for  
4 a few more moments.

5 MR. TIMOTHY: All right, Daniel you're on.

6 MR. GLEIBERMAN: Oh, great. Thank you. Good  
7 morning Commissioner McAllister and staff and those  
8 present. My name is Daniel Gleiberman with Sloan Valve  
9 Company. I am sorry that I'm not able to be there in  
10 person today. I wanted to thank you for the opportunity.

11 In the past we have both written comments on  
12 various rulemakings that involve appliances with plumbing  
13 products and we've been there (indiscernible). Let me be  
14 clear today, I'm speaking on behalf of Sloan, the company  
15 that I work for. I'm the Manager of Product Compliance and  
16 Government Affairs.

17 Very briefly, when the rulemaking was first  
18 proposed during our severe drought and the Energy  
19 Commission rightfully looked at changes to lavatories and  
20 showerheads, there were some phase-in periods for those  
21 that you recalled with products. And different flow rates  
22 were being phased in over time to allow full opportunities  
23 for product availability.

24 And specifically with showerheads we're coming up  
25 on our last iteration, which is by the end of the second



1 quarter of this year. Showerheads sold in California  
2 manufactured after a certain date won't be able to flow  
3 greater than 1.8 gpm.

4           When those issues were first raised we had  
5 presented both verbal and written testimony of a concern  
6 for a specific type of installation, which are  
7 institutional-type showerheads. And the need for staff to  
8 look further at that and perhaps while the products might  
9 be available, that may actually be a flow rate that is not  
10 actually conducive to the needs of those particular  
11 California institutions.

12           Moving back to March of 2017, Jerry Desmond, the  
13 lobbyist for PMI had written CEC staff with an outline of  
14 their recommendation. That was almost a full year ago to  
15 the day. About two weeks before this hearing, Mr. Baez  
16 responded to Mr. Desmond stating fairly, because staff is  
17 free to do what they want, that at this time staff wasn't  
18 looking at that recommendation.

19           The reason I'm bringing this to the attention of  
20 the Commissioner and staff is because the reasoning that  
21 staff provided was that they looked at "industry's trends"  
22 and they looked at "one company." And based on that  
23 review, they decided that there is actually no need for  
24 higher flow rates in these very specific institutional  
25 settings.

1 I know this is technical and I will provide all  
2 this information before the deadline. But I wanted to take  
3 the opportunity to give this testimony in person, because I  
4 think it's important to point out that there are already  
5 situations in the California Energy Commission regulations.  
6 Specifically for prisons and mental institutions for water  
7 closets and urinals that allow a higher flow rate.

8 So this is not unprecedented and I'm just wanting  
9 to state I'm somewhat concerned that the staff hasn't  
10 really looked at this issue fully. I don't believe they've  
11 actually reached out to end users like prisons and mental  
12 healthcare facilities that legitimately have a higher need,  
13 because of the way those showers are used, for a higher  
14 flow rate.

15 This isn't like (indiscernible) product  
16 availability concern on behalf of manufacturers. I'm not  
17 stating that these products might not be available already.  
18 But I think it would behoove staff to make sure that some  
19 types of facilities actually are sought out and researched  
20 to make sure that they can live with 1.8. Because as one  
21 manufacturer that has dealt with this issue around the  
22 entire nation, prisons and high-security health institutes  
23 have a very different type of bathing need than the general  
24 public, whether it be in a hotel room or a private  
25 residence.

1           And I just don't think the staff has actually  
2 taken the time that's necessary to make sure that these  
3 flow rates that are now mandated come two months would  
4 actually meet the needs of those specific California  
5 facilities.

6           And again, I want to thank you, Commissioner  
7 McAllister, for all of your help in dealing with the  
8 plumbing industry. We value the fact that you turn to us  
9 as subject matter experts. And that's why I took the time  
10 this morning to give you this additional testimony.

11           MR. BAEZ: All right. Thank you, Daniel. We'll  
12 be reviewing your comments again. But yeah, just again to  
13 state the purpose of this rulemaking is just mainly again  
14 to provide clarifications and updates. We're not really  
15 diving into editing any of the standards at all, but yeah  
16 we'll definitely review your comment again formally.

17           It looks like we have another question? So a  
18 question in the chat box from Lisa Johnson. You asked, if  
19 I understand correctly, that the BC logo will be removed  
20 from California state-regulated requirements in the future?

21           This was already done in a separate rulemaking  
22 where we'll be removing the requirement of the BC logo from  
23 federally-regulated battery chargers. But this BC logo  
24 will remain in place for state-regulated battery chargers.  
25 So I hope that helps to answer your question. And again,

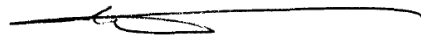


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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of May, 2018.



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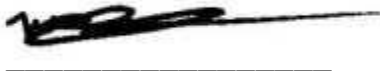
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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of May, 2018.



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Myra Severtson  
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