

DOCKETED

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February 1, 2019

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Appliances & Outreach & Education Office
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Re: Clarification of Compressor Testing Issues under Recent Amendments to Title
20, Appliance Efficiency Regulations

Dear Mr. Alejandro Galdamez:

This letter is accompanied by a draft Regulatory Advisory for your consideration in providing air compressor manufacturers and the general public clarification regarding the applicable test requirements governing rotary air compressors offered for sale in the State of California beginning on January 1, 2022.

As you know, the Commission adopted new regulations for air compressor efficiency at its January 9, 2019 business meeting. Several points about the testing requirements were made by the staff and/or by Commissioner McAllister at that hearing in response to concerns about such testing requirements raised by Atlas Copco North America, Quincy Compressor, Ingersoll Rand, and others at the business meeting and at the January 3, 2019 public hearing. The request for the Regulatory Advisory seeks to memorialize assurances given on several subjects to these parties and other Commissioners by the Commission staff and by Commissioner McAllister at that January 9th business meeting and in informal discussions:

1. Test results from properly conducted DOE Compressor Efficiency Tests may be relied upon by manufacturers to certify compliance with the new compressor efficiency standards in the Modern Appliance Efficiency Database System (MAEDBS), regardless of the date of the test. This point was raised by Quincy Compressor at the business meeting [Docket No. 19-BUSMTG-01, TN # 226347, pp. 24, 29], and had been raised at the public hearing and in written comments as well.
2. Manufacturers are entitled to rely upon the test results from a single machine in order to certify compliance with compressor efficiency standards. This assurance was provided by Commission staff to the Commissioners on the

Alejandro Galdamez, P.E

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record of the business meeting in response to comments by Atlas Copco North America, [Docket No. 19-BUSMTG-01, TN # 226347, p. 31] as well as comments by multiple parties at the public hearing.

3. Consistent with DOE's test rule adopted by the Commission, 82 Fed. Reg. 1052, (Jan. 4, 2017), manufacturers may rely upon past results of ISO1217-2009 testing to certify compliance with compressor efficiency standards if the manufacturer has an objective basis to believe that the results accurately predict the compressor's efficiency performance as measured by the DOE Test Method, a method based on ISO1217-2009. [Docket No. 19-BUSMTG-01, TN # 226347, p. 31].

As was done with the July 11, 2018 rulemaking regarding the procedural requirements governing rotary air compressors for the Appliance Efficiency Rules, we ask that the staff issue a Regulatory Advisory containing these three points of clarification. Attached, we have provided draft language for a Regulatory Advisory that reflects our conversations with Commission staff and the guidance provided at the Energy Commission business meeting regarding the effect of the amended Appliance Energy Efficiency Regulations.

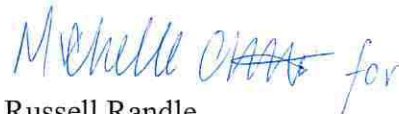
We appreciate the staff's consideration through this process and hope that the draft Regulatory Advisory supports their efforts to provide clarification regarding the amended regulations for air compressor manufacturers.

Please let us know if you have questions about this request for a Regulatory Advisory.

Sincerely,



Andrew Hitchings
Michelle Chester
Somach Simmons & Dunn



Russell Randle
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Counsel for Atlas Copco North America
and Quincy Compressors

Enclosure: Draft regulatory advisory language

[Draft] Regulatory Advisory

February 1, 2019

Commercial and Industrial Air Compressors

Background

The California Appliance Efficiency Regulations (Cal. Code Regs., tit. 20, §§ 1601 to 1609) contain definitions and a test method for commercial and industrial rotary air compressors manufactured on or after January 1, 2022 and offered for sale in the state of California.

On January 9, 2019, the Commission voted to adopt state energy efficiency standards for rotary air compressors as there are currently no federal efficiency standards for such equipment. 20 CCR Section 1605.2. The standards incorporate portions of the federal test regulation in order for parties to determine the information needed to certify a rotary air compressor model as compliant with the newly adopted state efficiency standard. 20 CCR Section 1604(s)(3). In Section 1606(a)(3)(A), Exception 1, the regulation states that:

For state-regulated compressors, the manufacturer shall submit a statement that the appliance has been tested in accordance with all applicable requirements of sections 1603 and 1604 of this Article, or that the appliance has been rated according to an alternative efficiency determination method (AEDM) in accordance with all applicable requirements of section 1604(s) of this Article.

This Advisory clarifies three points concerning applicable test requirements for manufacturers to certify their rotary air compressors in the Modern Appliance Efficiency Database System (MAEDBS). These clarifications are issued in order to clarify MAEDBS requirements as they relate to the applicable federal test standard for rotary air compressor efficiency.

1. Test results from properly conducted Department of Energy (DOE) Compressor Efficiency Tests may be relied upon by manufacturers to certify compliance with the new compressor efficiency standards in the Modern Appliance Efficiency Database System (MAEDBS), regardless of the date of the test. Testing using the federal test method conducted by an approved laboratory, including a manufacturer's laboratory, may be relied upon to certify compliance even if the testing occurred prior to lab approval by the State of California. This includes testing conducted consistently with the federal test method prior to formal adoption of the federal test method by the federal DOE on January 4, 2017.
2. Manufacturers are entitled to rely upon the compressor efficiency test results from a single machine in order to certify compliance with compressor efficiency standards. This single machine certification basis is the long-standing practice for MAEDBS certification, a state requirement.

3. When the federal DOE adopted the federal test rule, it based its adoption in part on the assumption that historical ISO217 test data can be used to certify compliance with efficiency standards, because the federal test rule is based on the same test method with minor variations. *See* Energy Conservation Program Test Procedures for Compressors 82 Fed. Reg. 1052, 1090, 1094 (Jan 4, 2017). Indeed, DOE estimated that 85 to 90 percent of the compressor model covered by this standard had historical test data on which certifications could be made. *Id.* 1094 (90% of models in CAGI performance verification program); *Id.* 1095 (15% of models might lack historical test data). DOE made similar statements in the December 5, 2016 notice of its final efficiency rule: “[I]f historical test data is consistent with values that will be generated when testing with the test methods established in this final rule, then manufacturers may use this data for the purposes of representing any metrics subject to the representations requirement.” DOE Final Rule Notice, p. 236. These assumptions of low test burdens were critical to DOE’s economic analysis justifying adoption of the rule.

Accordingly, for the purpose of the MAEDBS compliance certification, testing with the ISO1217-2009 test method may be used to certify compliance with the state’s efficiency standards, provided that the ISO1217-2009 testing predicts that the compressor will meet or exceed the state’s energy efficiency standard and that the testing is certified to have complied with proper quality assurance procedures in force at the laboratory at the time of the test. The test laboratory shall retain copies of the quality assurance procedures with any test relied upon to certify compliance.