

**DOCKETED**

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Oral Comments Received on Proposed Portable Air Conditioner Regulations  
 Title 20, Division 2, Chapter 4, Article 4, Sections 1601-1609, California Code of Regulations  
 Public Hearing Comments from Transcript – November 27, 2018

Commenter's Name	Comments/ Suggested Revisions	Response
Kevin Messner of Association of Home Appliance Manufacturers	<p>Good morning. I guess I'll get first. Nobody's getting up. I'm Kevin Messner. I'm with AHAM. So a few comments. I guess I'll start with the effective date. It's hard to know where to start. I mean, the effective date is -- it's -- I don't know what the -- if -- what the purpose of this rule is. If it's to remove the lion's share of portable air conditioners from California for a few years, then I guess you've achieved your goal. Having an effective date, essentially a year after the rule is finalized, it's just not going to happen. And your own slide said only 13 percent are on the market to do this. So I've never -- I don't think I've ever seen an effective date so soon for one of our products. A year? It's just, for air conditioners, they're manufactured, generally, a lot of them in China or overseas. Retooling, redesigning, which is significant for EL2, it's not an easy standard to meet, and the assumption that manufacturers -- DOE published this rule and manufacturers have been changing, that just is a flawed assumption that doesn't understand how this -- the for-profit companies work and how the standards work. So a year, it's -- I know I say this a lot and maybe the CEC doesn't believe me and we'll see, but there are -- there's, I can't say with categorical, but it is having products change over in a year is just -- I'm just baffled. So if you continue with this, we will have to then -- that's where we're headed, is there's very limited opportunity to do this. Now the whole idea that you mentioned refrigerants and said that there wasn't -- that wasn't a basis of how this proposal was, which makes sense. But just to clarify, a refrigerant change for portable air conditioners in 2020, R-32 is a flammable refrigerant and there are safety standards that are necessary. And even CARB, who's the agent, the California agency that deals with refrigerants, their proposal came out as 2023, and that's not -- we're not even sure yet whether that's even a possibility for the larger size or any other size to even have the capability to do that and meet a UL Safety Standard. So this throwing out 2020 with these assumptions is just, it's really surprising. Let's see. What else did I want to touch on? I do want to touch on one other thing, I guess, on the date, just publicly state, it's more than a little disappoint that we, as AHAM, try to in, almost every case, negotiate standard changes at the federal</p>	<p>Comment Acknowledged. No Change</p> <p>The Energy Commission (Commission) primarily used information from the Department of Energy (DOE) rulemaking to support the proposed regulation.</p> <p>The standard is proposed at Efficiency Level 2, which is the same as DOE's pre-publication final rule. EL 2 represents the efficiency level where DOE determined the ratio of measured CEER to nominal CEER corresponds to the maximum available efficiency across a full range of portable air conditioner cooling capacities. EL 2 represents a middle ground between the existing market and the maximum level of technical feasibility.</p> <p>The adopted regulations for portable air conditioners are based on feasible and attainable efficiencies and do not result in any added total costs for consumers</p>

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	<p>level and try to negotiate. And we think that's where we can lead with a stronger -- we can end up with a stronger regulation that makes sense for the consumer, for us and for the advocates. We did that in Vermont and came up with something that -- it was a compromise. And now this goes through to essentially just undercut that. And it's disappointing to see and it kind of puts a chill factor, as least from our perspective, to why should be negotiate next year efficiency standards when whatever we negotiate will then just be undercut and more stringent in California. And so there's no real incentive to negotiate, but we might as well just oppose the legislation when it goes too far in other states, as well. So it's leading to. We're just in an atmosphere now nationally where it's very hard to have a rational discussion on these things, to be quite frank. And we don't need to go so far and potentially cause unforeseen problems. We have the LED issue with the lights, is one example here. We have the refrigerant issue at the federal level which went too far and went to the courts, and then EPA lost authority. If you go too far there is a breaking point. And this PAC proposal may be, I'm hoping it isn't, but it may be one of those with this effective date. I appreciate the no product-specific markings. FTC has been talking about doing an energy guide, as soon as the federal government - DOE publishes the rule. Hopefully that lawsuit will end soon. Interestingly, California is a party to that and says, is arguing from the courts, that this is issued. But now it's issued at the federal level but now CEC is doing that. So it seems like the story for the State of California is changing depending on what venue we're discussing this issue, which again, that's just the landscape we're in politically these days. I won't go into all the problems with the case study. It's just unfortunate that there's - well, we have in our written comments all the problems with the case study. And I wouldn't rely on that, that is appliance manufacturers aren't experts on how to run the electric grid. And I'm not really seeing that the utilities are having much expertise on appliance standards. So I think I'll just end with that. Sorry, they were very -- not a very good -- I mean, I think this is due. There were a lot of good things in here in the sense of keeping consistent with the DOE Test Procedure, to try to end on a positive note, and choosing the EL2 standard which everyone had agreed with. It's not what everybody wanted but -- so there are signs in here of, I think, finding the right path. But then the effective date really just -- which is a huge deal, it really kind of blows it up. So thank you.</p>	<p>over the designed life of the appliance as required in the Warren-Alquist Act, Public Resource Code Section 25402 (c)(1), and will yield significant energy savings in California.</p> <p>A mandatory compliance date for products manufactured on or after February 1, 2020, is both technically feasible and cost-effective. In the DOE technical support document (page 5-8), efficiency level 2 (EL2) corresponded to the maximum <i>available</i> (emphasis added) efficiency across a full range of capacities, in other words, portable air conditioners that achieve the EL2 efficiency level were available at the time of the DOE's 2016 analysis. Additionally, Mr. Del Negro, GE, stated (page 51 of transcript) at the adoption hearing that production of portable air conditioners starts in September or October of the year prior to the seasonal year. Because the regulations are applicable based on the date of manufacture, portable air conditioners produced in the fall of 2019 do not need to comply with the regulations</p>

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		<p>and can continue to be sold or offered for sale in California after February 1, 2020.</p> <p>Manufactures can continue supplying status quo portable air conditioners for the summer 2020 market as long as they are manufactured prior to February 1, 2020.</p> <p>The Commission's participation as a plaintiff in <i>NRDC v. Perry</i> is relevant to potential national efficiency standards for portable air conditioners. It is not relevant to, nor does it limit, the Commission's ability to pursue state efficiency standards for portable air conditioners.</p>
Mary Anderson of PG&E for California Investor Owned Utilities (IOUs)	Hello. This is Mary Anderson from PG&E on behalf of the California IOUs. First of all, we want to thank the CEC for their leadership in these standards. The California IOUs strongly support the Energy Commission staff's effort to develop a Title 20 standard for portable air conditioners. The California IOUs were supportive of standards for portable ACs during US DOE's previous rulemaking on the product. And we note that the energy costs and consumer impacts were thoroughly investigated during that process. At that time the California IOUs advocated for regulation at efficiency level 3 -- or EL3 as defined by the USDOE rulemaking to maximize cost-effective savings to the consumer. We continue to advocate for regulations at that higher efficiency level, but we applaud the CEC for its progress on this topic and support its current proposal. Thank you.	Comment Acknowledged General comment

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<p>Daniela Urigwe, Energy Solutions</p>	<p>Hi. This is Daniela Urigwe with Energy Solutions on behalf of the Codes and Standards Enhancement Initiative Team. So as Mary said, we strongly support this proposal. And we provided a lot of information in the case report that was submitted to the docket.</p> <p>A few things to note are that we also requested that if products have a dehumidification function, that those functions would also be subject to dehumidification standards per section 1605(f) of Title 20 which states that if an appliance serves multiple functions and is not federally regulated, then both functions shall meet applicable standards.</p> <p>Additionally, we recommended reporting the SACC and the SEER values on the product directly or in product literature, but it has been mentioned here today that might be coming along in a label in the future.</p> <p>And finally, we also support the data reporting requirements proposed in the Energy Commission proposal. And we do believe that they'll provide helpful information for the California market. So in summary, we thank the Energy commission for the opportunity to comment and we do support this proposal in its current form.</p>	<p>Comment Acknowledged.</p> <p>No Change Considering efficiency standards for the dehumidification mode of a portable air conditioner was not in the scope of this rulemaking.</p>