

DOCKETED

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Document Title:	AHAM response to HVI comments
Description:	This letter documents AHAM's response to HVI's commentary on the AHAM application for approval of its kitchen range hood directory.
Filer:	Peter Strait
Organization:	California Energy Commission
Submitter Role:	Commission Staff
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January 24, 2020

Mr. Peter Strait
Supervisor, Building Standards Office
California Energy Commission
1516 Ninth Street
Sacramento, California 95814

via Email: peter.strait@energy.ca.gov

Re: Application for Authorization for Alternative Procedure to Demonstrate Compliance with Part 6 – AHAM response to HVI comments

Dear Mr. Strait,

AHAM is submitting an amended application for authorization for an alternative procedure to demonstrate compliance with Part 6 and responding to HVI's comments on the docket. We reiterate that the CEC and the public is served by providing an equivalent alternate service and program for this certification and testing work to reduce costs and encourage, through competition, quality and responsiveness. The system of alternate labs is standard and works well in safety testing and many other product energy testing and indeed is accepted by CEC for many products.

AHAM has had a long history, over 30 years, with the State of California on a certification program and directory with portable air cleaners that are regulated by the California Air Resources Board (CARB). We are using the same diligence and have built the requirements for a robust program for range hoods. We will not publically disclose all of those specific aspects for competitive reasons, but AHAM addresses the issues with our following comments and have already told CEC that we will provide any confidential submission if necessary. HVI has highlighted areas of our application where they also have their own non-public procedures and methods.

We agree that it is very important to avoid consumer confusion. If AHAM's application would be approved to allow more than one equivalent directory, AHAM plans public announcements to consumers and retailers. Additionally, AHAM will reach out to all of the HERS raters and make sure they are aware of the program and work to address any questions prior to them dealing with an AHAM certified product. AHAM's directory and its appearance will be equivalent to the HVI directory, so there will be no confusion.

AHAM provides the following specific responses to the six items in the HVI letter dated January 6.

1. Intertek Cortland Lab

HVI noted that the Intertek Cortland is approved by CEC for Air Flow. AHAM would welcome the HVI endorsement of Intertek as an Alternate 3rd party lab for their program. More choices for manufacturers are beneficial for costs and timing. Intertek will be applying for accreditation through A2LA for the requirements defined in HRH-2-2020 Rev 3.0.

As noted in AHAM's amended application, AHAM tested multiple products at REEL and at Intertek. The chart below shows the test sound data is within the current test procedure tolerance (110% of sound values plus 0.25 sones as per HVI 920 Appendix I).



Sound Comparison
REEL versus Intertek

2. Satellite Data Program

CEC said 1st party laboratory use is not allowed in HVI 920-2015, so AHAM has removed that allowance from our application.

3. Insufficient Lab Availability

HVI is correct that one of the factors driving AHAM's application is insufficient lab availability, which HVI does not dispute because their letter states they asked for an extension of 180 days to "accommodate testing and certification." A lack of lab availability has led to a backlog and more testing capacity is needed. As of January 2020, this backlog is still significant and is still growing.

It is welcomed news that HVI is re-establishing AMCA as a lab. This provides additional choice and capacity for manufacturers. AHAM will note that as of January 23, the AMCA lab was not accepted by HVI. AMCA has informed us that they would follow AMCA test procedures and use the HVI sones methodology. These same allowances that HVI is ready to grant to AMCA are the same allowances that AHAM has listed in Annex A2 in our application. AHAM finds it inconsistent that HVI would say AMCA's lab is acceptable but Intertek's lab is not.

In addition to lab availability, it is also an alternate directory that is needed for a fair and equitable marketplace. This is an additional reason for AHAM's application.

AHAM has created a certification program and directory for range hoods just as we have in other appliance categories. The burden and cost to comply with the Title 24 requirements is significant because of the required upfront certification testing, verification, and directory listing costs. Having an alternative directory and certification source will increase competition and reduce the compliance cost for range hood manufacturers without detracting from CEC enforcement requirements. This will benefit everyone.

4. Petition to CA Building Standards Commission for Delay

AHAM agrees the lab backlog issue needs to be addressed. These issues have existed since CEC announced the new requirements in their 2019 Compliance Manual. AHAM raised this issue with CEC in mid-2019 as we started our alternate application process. The process to achieve a delay through the California Building Standards Commission does not address the immediate issues that began as of January 1, 2020, nor is there any assurance a delay will be granted. A more prudent way to address the backlog issue now and in the future, and to increase choice beyond one entity, is to have a full alternative. Further, a 180-day delay, although helpful, is insufficient to address the problem since there is currently a four month delay to obtain initial testing without more capacity.

5. ENERGY STAR Verification Program

HVI's assertion that AHAM's program for Title 24 would follow EPA's test method allowances and that is not as robust as HVI's is incorrect. To be clear, EPA allows multiple units to be tested for compliance testing only if a product was qualified based on multiple test samples. This is a recognition that unit-to-unit variation exists and is decided before a decision is made on ENERGY STAR compliance and statistical significance needs to be taken into account (see ENERGY STAR Directive No. 2011-04). AHAM's procedure is written to include this ability because numerous manufacturers certify using multiple test samples for ENERGY STAR. If the company did not qualify with multiply units, then the additional samples are not allowed per the EPA Directive. AHAM also is referenced on the federal government website for our cooperation with ENERGY STAR. (<https://www.energy.gov/eere/buildings/energy-star-test-procedures-and-verification>). HVI's program does not carry any such endorsement.

Regarding the 48-hour run-in, our proven history with air moving products (room air cleaners) related to Indoor Air Quality and ENERGY STAR's continued partnership with AHAM shows this methodology is of no concern to ENERGY STAR. Nevertheless, even though a 48-hour run eliminates variation and demonstrates the performance that a consumer should expect to see in their home, we have removed this to be equivalent to HVI.

Lastly, HVI's argument that AHAM's program is open to abuse by selecting products at a warehouse is hypocritical as HVI's program also allows unit acquisition from a warehouse per 9.1.3.2. Nevertheless, AHAM has revised its program to require open market purchases first, which is identical to HVI's program.

6. Range Hood Capture Efficiency (RHCE)

AHAM understands the importance of Capture Efficiency but would highlight that Capture Efficiency is not a requirement of Title 24 at this time and has not yet been approved by ASHRAE 62.2. This point is moot at this time since RHCE is not under the scope of any Application for Authorization for Alternative Procedure to Demonstrate Compliance with Part 6. More work needs to be done on RHCE such as studying repeatability and

reproducibility of the test method. It is important to have the right metric before any test method is released. AHAM has contacted HVI numerous times asking to be involved in the RHCE work. Although HVI has said they would send AHAM information, they have never sent the HVI 917 procedure. AHAM has also asked HVI to enter a Memorandum of Understanding on the RHCE procedure development, but they have not responded to this request. This procedure appears to have been developed in isolation without looking at all products that are available in the marketplace.

Subsequent to the delivery of the above public comments, HVI submitted additional comments on January 9. The second letter made similar points to the first but also additional comments focused on the protection of a monopoly source of testing and directory. AHAM provides the following specific responses to the seven items in that letter, to clarify and correct the public record.

1. AHAM has not yet established a directory or a program

AHAM has both a program description and a directory publically available, and we submitted links to both in our original the application. Below are the links again for convenience.

- Link to AHAM Program WebPage:
http://www.aham.org/AHAM/What_We_Do/Kitchen_Range_Hood_Certification
- This is a live directory link which is live on the webpage:
http://www.aham.org/AHAMDocs/Consumer/AHAM_Cert_Range_Hood_Directory.xlsx

December 18, 2019 AHAM-Certified Products Directory



2. AHAM's primary laboratory is not in compliance with Title 24 and ASHRAE 62.2 requirements.

This is not correct as Intertek has accreditations for ENERGY STAR labs, which cover both ANSI/AMCA and HVI test methods.

3. Intertek has refused to provide information or services to HVI

AHAM has no comment on communications between HVI and other labs, but this has no bearing on the merits of our application.

4. AHAM has not provided sufficient documentation on the quality assurance measures for its first-party approved laboratories.

CEC said 1st party laboratory use is not allowed in HVI 920-2015, so AHAM has removed that allowance from our application.

5. AHAM has not demonstrated that its proposed directory will provide equivalent ratings.

What AHAM has posted on our webpage is equivalent. We have tested to show products would be within the tolerance per the CEC compliance ratings requirements. A large portion of the data that will go into the AHAM database initially will be data from the HVI primary lab (REEL). The data is comparable, and in fact, verification in the first year will primarily be Intertek verifying REEL results validating the equivalency of the testing. AHAM will follow the requirements and allowances from HVI 915:

- For Certification, AHAM's program will meet HVI 915 requirements and use data from a 6 microphone array, or if the tones are above 1.5, the data may come from a boom microphone. (HVI 915 clause 3.3.1, 4.4.2, 4.4.3).
- For Verification, AHAM's program will use data from a boom microphone until the backlog is alleviated at REEL (HVI 915 Clause 4.4.4.1)

Lastly, both the AHAM and HVI programs have challenge processes, which are intended to manage any directory differences.

6. AHAM's verification method provides opportunity for abuse.

AHAM has updated its Program guide to be identical to HVI's where it requires an open market purchase.

7. AHAM's HRH-2 does not regulate the version of test procedures use and may be changed at any time.

This is a misinterpretation of a single statement that is in the preface to all AHAM standards. Clause III.A. of AHAM Policy and Procedures Governing Technical Standards (hereafter, AHAM Procedures) states, "Any party of interest may submit a request for a new or revised AHAM Technical Standard." This clause is the basis for the referenced wording in the Preface of our standards. This statement does not mean, as implied by the HVI comment, that changes would be made to an AHAM standard "at will" to use their term. This statement is included to allow for input from individuals and organizations outside of AHAM, such as CEC, for consideration to improve or clarify our standards.

AHAM Procedures, Clause VIII, further outlines the process for requests for changes to AHAM Standards by noting that:

- 1) Any interested person may file a written request for a change in the terms of the standard. Such request should contain the reason for the request and any recommended action and reasons;
- 2) The request shall be referred to the appropriate Engineering Council for review. The Engineering Council, after consulting with the AHAM Staff and interested members, shall issue its written response within sixty (60) working days (the response could be to reject the request or inform that the request will be put into consideration as part of the normal standard revision process); and

3) Any interested person who does not agree with the response of the Engineering Council may file an appeal in accordance with the procedures set forth in the Appeals Section of the AHAM Procedures.

Finally, if the request for change was accepted for review and further consideration, AHAM Procedures, Clauses IV. A – D, call for reviews and approvals of revised AHAM standards at the Task Force, Product Council (if applicable), Engineering Council and Appliance Division levels. This multiple level process ensures that any changes made to the standard are technically valid and appropriate to that standard. It does not mean that the comments or suggestions received on AHAM standards will be automatically accepted as a change to the standard.

Lastly, to address any remaining concern AHAM has updated HRH-2. AHAM HRH-2 is referenced as part of a certification program, therefore, before any changes are accepted and would become effective, they would additionally need to be balloted per the AHAM procedures and be reviewed with any regulatory body that is a stakeholder in this program.

Final Comments

AHAM has requested approval of a certification rating program that is not in draft form as the documents have been publicly available on our website since the time of application. In our application, we provided the link to our directory, and they have been available for public view since that time. We do use a lab that has been approved by CEC for airflow, and we have demonstrated equivalence for the sound measurements. AHAM's method to accept manufacturer-laboratories for certifications is documented based on accepted methodologies and is managed by its program lab who is accredited and authorized to sign off on manufacturer data. As noted, no manufacturer has yet to achieve this certification. AHAM does provide for timely updates of referenced test procedures and follows a rigorous change control process for those changes while involving multiple stakeholders. AHAM has a process to include all parties including consumers. AHAM has produced data showing that currently available products would achieve equivalent performance ratings under the alternate certification rating program as the source for many of the products is HVI's primary lab.

In conclusion, AHAM has fully addressed the comments from HVI to make crystal clear the equivalency of AHAM's program and directory. Manufacturers need alternatives and choices to obtain the best options for their business and the consumer and the AHAM program should be approved as an alternate. A monopoly hold on a directory does not serve well the consumer, CEC or manufacturers. We thank CEC for considering our views and request CEC's approval of our application.

Sincerely,



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Randy Cooper
VP, Technical Operations and Standards