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**Bradford White Corporation - Comments on City of Chula Vista -
Reach Codes**

Additional submitted attachment is included below.



January 4, 2021

Danuta Drozdowicz
California Energy Commission (CEC)
1516 Ninth Street
Sacramento, California 95814-5512

Re: 19-BSTD-06 Docket Application for Approval of Chula Vista's Existing Home Energy Sustainability Ordinance

Dear Ms. Drozdowicz:

On behalf of Bradford White Corporation (BWC), thank you for providing an opportunity to comment on application for approval of Chula Vista's existing home energy sustainability ordinance. Ordinance 3495 for the City of Chula Vista includes requirements for local energy standards that go beyond the baseline energy code. We are pleased to be a part of this important conversation.

BWC is an American-owned, full-line manufacturer of residential, commercial, and industrial products for water heating, space heating, combination heating, and water storage products.

We have some concerns with Chula Vista's Ordinance 3495, specifically prescriptive water heater requirements, and outdated energy efficient metrics. The prescriptive requirements not only do not meet requirements of cost effectiveness, as required by California reach codes, but they are also subject to Federal Preemption under the Energy Policy and Conservation Act of 1975 (EPCA). The ordinance also refers to the outdated efficiency metric EF, or Energy Factor. As of June 12, 2017, the Department of Energy (DOE) required water heaters of a residential utility, to be labeled in terms of a Uniform Energy Factor (UEF) and new First Hour Rating (FHR).

California energy efficiency reach codes are similar to local ordinances; however, there are special requirements for reach codes. These requirements are set out in Section 10-106 of the Building Energy Efficiency Standards and in Public Resources Code Section 25402.1(h)2. Key requirements of these laws include the following:

- A reach code must be at least as stringent as the statewide code;
- A reach code must be cost effective;
- A reach code must be approved by the California Energy Commission; and
- A reach code needs to be re-approved with each Energy Code update.

Chula Vista's Existing Home Energy Sustainability Ordinance 3495 seeks to adopt Table 15.26.040(D)(1)(c): Prescriptive Energy Upgrade Measure List, including prescriptive water heater requirements. The water heater requirements list includes the following:

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High Efficiency Heat Pump Water Heater: Replace natural gas storage water heater, or, tankless water heater having a Energy Factor of .81 or less, with Heat Pump Water Heater with Uniform Energy Factor (UEF) of at least 3.1 (Northwest Energy Efficiency Alliance Tier 3)

High Efficiency Tankless Water Heater: Replace natural gas storage water heater, or, tankless water heater having an Energy Factor of .81 or less, with tankless water heater with a minimum Energy Factor of 0.96.

In order to be approved and adopted, a reach code must be cost effective. The City of Chula Vista cites California Energy Codes and Standards (CASE), 2019 Cost-Effectiveness Study: Existing Low-rise Residential Building Efficiency Upgrade per the reach code cost effectiveness requirement. The study cites efficiency-measures and cost-effectiveness studies of a water heating package – water heater blanket, hot water pipe insulation, & low-flow fixtures. However, the report states no cost-effectiveness study related to the minimum energy efficiency metric of the water heater. Therefore, in Chula Vista’s proposed standard, there is no validation for inclusion of a minimum energy efficiency metric for water heaters.

BWC alerts the City of Chula Vista to the DOE efficiency metric changes (i.e. UEF and FHR), as the ordinance references the outdated efficiency metric Energy Factor. Manufacturers are prohibited from denominating the efficiency of federally regulated products except in terms of the efficiency metrics that have been prescribed by DOE.

Given these concerns, BWC recommends the City of Chula Vista to amend Existing Home Energy Sustainability Ordinance 3495 by striking the water heater replacement requirements of Table 15.26.040(D)(1)(c): Prescriptive Energy Upgrade Measure List. BWC recognizes the City of Chula Vista’s Climate Action Plan, but we respectfully request that improvements in energy efficiency are done in cost-effective measures that are equitable to all residents; done in terms of current efficiency metrics required by DOE; and are not in violation of Federal Preemption under EPCA.

Thank you for continuing to include BWC and other stakeholders in the City of Chula Vista codes and standards discussions. Bradford White Corporation thanks you for the opportunity to comment on Ordinance 3495. Please let me know if you have any questions.

Respectfully Submitted,

Bradford White Corporation

Eric Truskoski
Senior Director of Government and Regulatory Affairs

Cc: B. Wolfer; B. Ahee; M. Corbett

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