DOCKETED	
Docket Number:	23-FDAS-01
Project Title:	Pool Controls Rulemaking
TN #:	249582
Document Title:	Pool & Hot Tub Alliance Comments
Description:	N/A
Filer:	System
Organization:	Pool & Hot Tub Alliance
Submitter Role:	Public
Submission Date:	4/10/2023 2:36:33 PM
Docketed Date:	4/10/2023

Comment Received From: Pool & Hot Tub Alliance
Submitted On: 4/10/2023
Docket Number: 23-FDAS-01

PHTA Comments on Docket # 23-FDAS-01

See attached file

Additional submitted attachment is included below.

April 10, 2023

Submitted via: Docket Log 23-FDAS-01

Commissioner J. Andrew McAllister, Ph.D.
California Energy Commission
Dockets Office, MS-4
1516 9th Street
Sacramento, CA 95814

Re: Comments on Pool Controls Rulemaking, Docket # 23-FDAS-01

Dear Commissioner McAllister:

The Pool & Hot Tub Alliance (PHTA) represents more than 3,650 company members and over 11,000 individual members nationwide, including companies that manufacture pool pump controls as well as controls for other pool equipment. PHTA has a long history of working with the California Energy Commission (Commission) and appreciates the opportunity to continue a positive collaboration to ensure the development of Flexible Demand Appliance Standards (FDAS), as required by Senate Bill 49 to benefit citizens of California and the goal to reduce greenhouse gas emissions, are developed for pool controls. At the same time, it is imperative these regulations also ensure both citizens and visitors using the states 1,250,350 residential inground pools, 335,000 aboveground pools, 338,000 inground spas and 42,230 commercial swimming pools continue to enjoy a safe environment. Further, that what is ultimately adopted is something consumers will utilize.

We submit the following comments to the proposed regulatory language on behalf of our member companies, many of which will also be responding individually. PHTA welcomes your careful consideration of these comments and looks forward to continuing to participate in this rulemaking. If you have any questions on these comments, please contact me at jen@jhatfieldandassociates.com on behalf of PHTA.

Sincerely,

Jennifer Hatfield

Jennifer Hatfield
Government Affairs Consultant
Pool & Hot Tub Alliance

cc: Justin Wiley, PHTA VP of GR, Standards and Codes, jwiley@phta.org

PHTA Comments and Suggestions on
Flexible Demand Appliance Standards for Pool Controls

PHTA and its members support California and the Commission's efforts to reduce energy demand and lessen greenhouse gas emissions by establishing a statewide flexible demand appliance standard (FDAS) for pool controls. We refer to our August 31, 2022, and October 29, 2021, comments previously submitted, as applicable. In addition, we offer the following suggested edits to the February 23, 2023, proposed regulatory language as follows:

Definitions, Section 1691(b)

Modifying as follows:

"Pool control" and "pool controls" mean any component or group of components, including software, that:

(1) For integral dedicated purpose pool pump controls, has the capability to independently schedule the operation and/or control the start or stop times of a pool filter pump and other pool equipment, and uses single-phase AC power as input power;
(2) For other than integral dedicated purpose pool pump controls, has the capability to independently schedule the operation and/or control the start or stop times of a pool filter pump, and uses single-phase AC power as input power; or
(3) Includes, but is not limited to, a pool timer, pool pump switch, heater switch, or direct load control switch.
~~(4) Has the capability to start or stop the operation of a pool filter pump and other pool equipment, and~~
~~(5) Uses single-phase AC power as input power.~~

"Pool control" and "pool controls" exclude controls marketed exclusively for uses as a control for pool filter pumps with a rated hydraulic horsepower (hhp) greater than 2.5 hhp.

"Pump Priming" means an operation that initiates water circulation by pulling water from the pool into the pool circulation system ~~with a duration time less than or equal to 15.0 minutes~~.

Add new definitions as follows:

- "Direct load control switches" means a clock operated switch device that has the capability and is used to start or stop the operation of a pool filter pump and/or electric pool heater, and uses single-phase AC power as input power.

- "Heater switch" means a clock operated switch device that has the capability and is used to start or stop the operation of an electric pool heater, and uses single-phase AC power as input power.

- "Integral dedicated purpose pool pump control" means a pool pump control provided as an integral part of a dedicated purpose pool pump control supplied as an integral part of a

dedicated purpose pool pump or a replacement dedicated purpose pool pump motor that controls the pool pump motor.

A user interface or a user interface that is sold separately, that controls the pool pump motor; or an integral dedicated purpose pool pump control that is capable of being removed from a dedicated purpose pool pump or a replacement dedicated purpose pool pump motor for remote mounting; is an integral dedicated purpose pool pump control.

- "Pool pump switch" means a clock operated switch device that has the capability and is used to start or stop the operation of a pool filter pump, and uses single-phase AC power as input power.

- "Pool timer" means a clock operated device that has the capability and is used to start or stop the operation of a pool filter pump and/or electric pool heater, and uses single-phase AC power as input power.

- "Replacement dedicated purpose pool pump motor" means an electric motor that:

  (A) is single-phase or polyphase;
  (B) has a dedicated purpose pool pump motor total horsepower of less than or equal to 5 horsepower;
  (C) is marketed for use as a replacement motor in self-priming pool filter pump, non-self-priming pool filter pump, or pressure cleaner booster pump applications; and
  (D) excludes polyphase replacement dedicated-purpose pool pump motors capable of operating without a drive, and is sold or offered for sale without a drive that converts single-phase power to polyphase power.

Reasoning:

The modifications being suggested to the definition of "pool control" or "pool controls" is to better align the regulatory language with what we believe is the intent of the CEC staff report, in terms of what products are in and out of scope. The current language is not entirely clear, and it is imperative that what is intended to be in or out of scope be well-defined to those who must meet the regulatory requirements.

Based on the proposed modifications to the definition of a "pool control", PHTA is suggesting several new definitions be included to ensure these products are clearly defined as well, to alleviate any misinterpretation of what is being required. This includes clarifying the different types of products that are considered an "integral dedicated purpose pool pump control" to alleviate any possible confusion. Then the "replacement dedicated purpose pool pump motor" definition comes directly from the CEC Replacement Pool Pump Motors regulation adopted on January 1, 2021.

Lastly, the suggested modification to the definition of "pump priming" is due to our belief that the time limitation should be provided within the specific default schedule requirements and not within the definition itself, as pump priming time can vary by pool. The intent of the definition should be to define what "pump priming" is but not include a subjective number within the definition. We refer you to our appliance specific standard comments where we add back in a time limitation.

Cybersecurity, Section 1692(c)

Suggest the following modifications:

(1) **Data Protection.** The connected device shall provide for consumer data protection ~~not display the credential and personal data in plaintext on the user interface~~.

~~(2)~~ **Passwords.** The connected device shall contain a password security feature ~~that requires a user to generate a new means of authentication before access is granted to the device for the first time, and shall support the use of passwords meeting the NERC password strength requirements listed below:~~

~~(A) Each password shall be a minimum of six characters.~~

(B) ~~Each password shall consist of a combination of alpha, numeric, and special characters~~.

Reasoning: PHTA members believe these requirements as provided in the proposed regulation are too prescriptive for the intended scope of this regulation. We suggest that the CEC simply indicate that devices are required to include provisions for data and password protections and leave specifics up to manufacturers. This will allow for greater product development and new technologies.

Suggest the following modifications:

(3) **Software Update.** The manufacturer shall have an update policy that informs the consumer how the manufacturer will support software updates and informs the consumer that the device is capable of being updated whenever new vulnerabilities are discovered.

~~(A) On initial connection to the internet, the connected device shall attempt to receive update notice from the manufacturer's update service and attempt to download, verify, and apply any available patches.~~

(B) The manufacturer shall provide an estimated security expiration date or end of life policy that informs the consumer when the manufacturer will be discontinuing the connected ready device support.

Reasoning: Manufactures should be allowed to maintain their own software update policies. Providing too specific of requirements can stifle innovation and limit development that may produce new ways to offer software updates. At a minimum we suggest removing (5)(A) as it is not always best practice to do this upon initial connection.

Suggest the following modifications:

(8) **Override Function.** The connection device shall allow consumer to change the event responses and connected device event response settings at any time.

Reasoning: There are some device settings that should only be allowed to be changed by a pool professional or manufacturer, and not the consumer. This is due to both safety and product liability. Therefore, the suggested edit is intended to clarify that the consumer can only override demand response settings and not all settings.

Appliance Specific Standards, Section 1693(b)

Compliance Date in Section (b)(1)

Suggest the following modification:

(1) Pool controls shall meet the flexible demand appliance standards, testing, marking, and cybersecurity requirements enumerated in this section no later than three ~~one~~ years after they are adopted or updated.

Reasoning: Initially, CEC began discussions on flexible demand pool controls simply needing a default schedule and requiring that the products be connectable. As work on the proposed regulations continued, additional requirements were included that simply will require additional time for product development and design, i.e., cybersecurity items. The current proposal that pool controls must meet the flexible demand appliance standards no later than one year after they are adopted is simply not feasible.

Twelve months is not adequate due to numerous factors: continued supply chain efforts for electronics, management of inventory levels, and software development time and testing. PHTA members cannot commit to be able to meet the current proposed regulation compliance window due to development resources and electronic chain constraints. Based on input received from our manufacturers, three years is needed between effective date and when compliance is required. We strongly urge the Commission to consider this request in order to have adequate product on the market.

Clock Requirements in Section (2)(B)2

Suggest the following modification:

2. Pool controls shall support both local and remote setup, selection, and update of its operating schedule. Local and remote setup, selection, and update shall be possible through a user interface or through a smart device app via WiFi or BlueTooth or other connected means."

Reasoning: The local set up should also include smart device apps due to the fact not all devices have user interfaces that allow control of all settings.

Pump Priming clarification in Section (2)(C)1.c.

Suggest the following modification:

c. automatically operate the pool filter pump at 50 percent of the maximum operating speed of the pool filter pump or less during all remaining hours and may perform pump priming at any time with a duration time less than or equal to 30.0 minutes.

Reasoning: The amount of time it takes to properly prime a pump is specific to the amount of lift needed for that specific pump. Some pumps are required to climb five, eight or ten feet. We appreciate the limitations the Commission is looking to achieve, but the 15 minutes proposed is not adequate. More time is needed to provide leeway with all the types of pumps and pools that exist; 30 minutes is a more reasonable maximum number to be provided within the factory default schedule. This change to

30 minutes should also limit the number of pool owners that will simply adjust the time, if longer is needed to properly prime their pump.

Conclusion

The suggested PHTA modifications to the proposed regulatory language are opportunities for further improvement that we urge the Commission consider. These recommended changes will ultimately provide clarity that is needed in terms of what is and is not in scope; eliminate requirements that will stifle innovation; and provide adequate time for manufacturers to develop product.