

DOCKETED	
Docket Number:	22-AAER-04
Project Title:	2022 Amendments to the Appliance Efficiency Regulations
TN #:	253314
Document Title:	CRESCOR Comments - Proposed action on 20 CCA ADC sub-section 1602 (r)
Description:	N/A
Filer:	System
Organization:	CRESCOR
Submitter Role:	Public
Submission Date:	11/27/2023 11:18:01 AM
Docketed Date:	11/27/2023

Comment Received From: CRESCOR
Submitted On: 11/27/2023
Docket Number: 22-AAER-04

Proposed action on 20 CCA ADC sub-section 1602 (r)

Currently in California 20 CCA ADC sub-section 1602 (r) The term "heated glass merchandizing cabinet" is defined as:

"Heated glass merchandising cabinet" means an appliance with a heated cabinet constructed of glass or clear plastic doors which, with 70% or more clear area, is designed to display and maintain the temperature of hot food that has been cooked in a separate appliance.

ENERGY STAR definition is:

D. Heated Transparent Merchandising Cabinets: An appliance with a heated compartment that is designed to display and maintain the temperature of hot food that has been cooked in a separate appliance.

The CEC definition deviates materially from the Federal definition. It is "not aligned", "not consistent", "conflicting" and "incompatible" with current Federal regulation; as the Federal regulation defining a "heated transparent merchandising cabinet" does not include (nor defines) a specific % requirement of "clear area".

Is it 70% of the total cabinet surface? 70% of the front door area? The rear door area? Top and bottom? 1,2,3 or 4 sides? What is the concrete specific guidance on how this requirement is considered to have been met? How it is to be enforced?

This indicates that the definition is not clearly defined, regulatorily uncertain and lacking proper rationale and places the burden on the manufacturer to guess what and how it is implemented.

It also imposes a misguided barrier to innovation. To achieve "heated glass merchandising cabinet" status, it is not enough to meet current federal regulation, but assuming that the 70% clear area is meant to be total area, the result would be a highly inefficient appliance than what federal regulations currently seek to encourage to allow. It is the opposite of what the energy efficiency regulation seeks to achieve.

We believe that due to its lack of engineering detail and technical guidance, or scientific justification for the additional "clear area" mandate, it has the effect of making illegal for sale in California, merchandizing cabinets that are currently, and legally in use across the US, designed to "display and maintain the temperature of hot food that has been cooked in another appliance", but that may not have a 70% or more of an undefined clear area. The same issue arises with the advent of innovative hot food vending machines, services such as Door Dash and others; the cabinets/appliances designed to keep food warm for a short time (under 30 minutes) is up to interpretation as to which definition applies.

The "clear area" requirement added by CEC is in our opinion capricious, does not communicate the regulation in a clear and precise manner; is not founded on solid

engineering facts, or clearly defined, making it an obstacle for small business by becoming burdensome to interpret design and manufacture.

We request that the 70% added requirement for "Heated Glass Merchandizing Cabinet" be deleted from the current 20 CCA ADC sub-section 1602 (r), so that it can be in line with Federal Regulations definition, until such time as remediation of the listed flaws are corrected