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CALIFORNIA ENERGY COMMISSION

In the matter of:

Public Hearing -)	
Federal and Administrative)	Docket No. 22-AAER-04
Updates to Title 20, CCR)	
_____)	

CEC PUBLIC HEARING ON
 FEDERAL ALIGNMENT AND ADMINISTRATIVE UPDATES
 TO TITLE 20, CCR SECTIONS 1601-1609

REMOTE ACCESS VIA ZOOM

TUESDAY, JANUARY 9, 2024

10:00 A.M.

Reported by:

Elise Hicks

APPEARANCESSTAFF

Peter Strait, Manager, Appliances Branch

Corrine Fishman, Regulations Manager

PUBLIC COMMENT

Laura Petrillo-Groh, Air-Condition, Heating, and
Refrigeration Institute

Alex Baker, National Electrical Manufacturers Association

Jacob Cassady, Association of Home Appliance Manufacturers

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1 Here are some general rules for this public
2 hearing.

3 First, all of the attendee lines are muted.
4 Comments will be taken at the end of the presentation. For
5 general clarifying questions, please type your question
6 into the Q&A section rather than making a verbal comment.
7 To comment verbally, please use the 'raise hand' function
8 to speak. For those that are online, we will raise your
9 hand, and then I as the host can give you the ability to
10 speak, and then you would then unmute yourself. So it's a
11 two-step process.

12 For those joining via phone, you can raise your
13 hand by pushing star nine and the host will give you the
14 ability to speak. Remembering that star six then will mute
15 and unmute yourself. Please make sure to state your name
16 and affiliation at the beginning of your comment.

17 So here's the short agenda for today's public
18 hearing. First we'll start by providing a brief overview
19 of the rulemaking, including the main components of the
20 proposed changes. Next we'll discuss the ruling timeline
21 and what comes after this public hearing. And then lastly
22 we'll open it for public comments.

23 The goal of this rulemaking, the purpose of it,
24 is to provide alignment with current federal appliance
25 standards and to make other necessary administrative

1 updates to California's appliance efficiency standards.
2 These are as found in Title 20 of Section 1601 through 1609
3 of the California Code of Regulations.

4 This rulemaking is not proposing any new state-
5 level efficiency standards for appliances, nor is it
6 proposing any increase in the stringency of current state
7 efficiency standards.

8 The proposed changes fall into five general
9 categories.

10 First, the first and largest category is updates
11 to align with current federal law, for example, to ensure
12 that references to federal tech efficiency standards are
13 current. The majority of proposed changes fall into this
14 category.

15 The second category includes updates to our data
16 submittal requirements and processes. The proposed changes
17 to §1606 and Table X largely fall into this category.

18 Third is the removal of a redundant specification
19 in the marking requirements for commercial and industrial
20 fans and blowers found in §1607(d)16. With the proposed
21 change, models are required to be marked legibly but are
22 not required to use a specific font size, ensuring that
23 products of varying sizes can be marked appropriately.

24 Fourth are updates to our regulations governing
25 administrative proceedings, including compliance review and

1 enforcement proceedings. The proposed changes to §1608 and
2 §1609 largely fall into this category.

3 Lastly, we have taken the opportunity to make
4 other administrative and non-substantive improvements to
5 the text of the regulations to help ensure clarity and
6 consistency. An example is a proposed renumbering of
7 certain tables in §1607(d)12(c).

8 All of these proposed changes are described in
9 the initial statement of reasons and are shown in the
10 proposed regulatory language, both of which are available
11 on our website via our docket.

12 On-screen is a very simple rulemaking timeline.
13 Since this rulemaking does not propose any new performance
14 standards, the timeline is a little shorter than
15 traditional appliance rulemakings. This rulemaking
16 eventually began with publishing the Notice of Proposed
17 Action, Initial Statement of Reasons, and the Proposed
18 Regulatory Language, also referred to sometimes as the
19 "Express Terms." The publishing of these documents
20 initiated the 45-day written public comment period. This
21 comment period ended yesterday on January 8th.

22 Next is this public hearing, which is the event
23 today. This is another opportunity for CEC staff to
24 receive comments on this rule. Following this public
25 hearing, the rulemaking will be presented at an Energy

1 Commission business meeting for adoption. It's anticipated
2 that this item will be presented at the March business
3 meeting.

4 If adopted, the rulemaking package will be sent
5 to the Office of Administrative Law for review. If
6 approved by OAL, the rulemaking will take effect and the
7 proposed changes will be incorporated into Title 20. OAL's
8 review is primarily to ensure that we followed process, so
9 they're not reviewing the substance of the rulemaking so
10 much as ensuring we actually undertook all of the steps
11 required to ensure the public was provided the opportunity
12 to participate.

13 The 45-day comment period, public hearing, and
14 business meetings are all opportunities for the public to
15 comment. For more information or questions, please feel
16 free to contact me or to contact Corinne Fishman, who is
17 our Regulations Manager.

18 Thank you for your time today. We do hope that
19 this presentation was helpful and, again, this slide deck
20 will be added to the docket if you would like to review it
21 later, and a transcript of today's hearing will be posted
22 once one is available.

23 This concludes the presentation, so we will now
24 open up the platform for formal comments.

25 As stated earlier, to comment verbally, please

1 use the raised hand function to speak. That'll identify
2 you so that we can then find you and allow you to speak.
3 And then remember, also, once we have given you permission
4 to speak, that you might also have to unmute yourself.

5 So I see we have 35 attendees online. Hopefully
6 we won't need to impose any timing requirements for
7 comments, but if we do receive a large volume of comments,
8 if it looks like we won't be able to hear everyone, we may
9 impose a three-minute or potentially a two-minute limit to
10 comments, but for now we're going to avoid doing so to the
11 amount that we can.

12 I'm seeing one raised hand from Laura Petrillo-
13 Groh so, Laura, I'm going to allow you to talk. You may
14 now unmute yourself.

15 MS. PETRILLO-GROH: Hi, Peter. This is Laura
16 Petrillo-Groh with AHRI.

17 Can you hear me okay?

18 MR. STRAIT: Yes. Welcome to the call.

19 MS. PETRILLO-GROH: Thank you.

20 AHRI represents over 300 manufacturers of air
21 conditioning, heating, and refrigeration equipment, and we
22 very much appreciate the careful review that you and your
23 team have put into this proposal. It is -- we appreciate,
24 with respect to fans, the current scope is maintained and
25 the speed at which you put out these changes is

1 appreciated.

2 I will say that AHRI written comments highlight a
3 few questions or considerations that we might have on some
4 of the proposed changes, particularly with respect to
5 commercial and industrial fans. The adopted definition, or
6 proposed adopted definition, for AEDM under the air
7 conditioners, air filters, and heat pump water heating
8 packages is specific to residential central air
9 conditioners and heat pumps, but there is a new definition
10 for AEDM under fans, and we want to make sure that the AEDM
11 provisions are preserved for the stand-alone fans. It's
12 very important that this federal test procedure permits the
13 use of AEDMs for fans.

14 And also that -- the definition that's currently
15 proposed, there's a little conflict there. The definition
16 that's currently proposed is site-specific residential, air
17 conditioner, and heat-pump metrics, and there are many
18 other products under a federal efficiency standard that do
19 permit the use of AEDMs.

20 So we have proposed two ways to rectify this in
21 our comments. Either adopt a broader definition of AEDM
22 that does not reference specific metric, but really just
23 the portions of the federal code that outline which
24 products are permitted in the AEDM provisions in federal
25 law. Alternatively, to add AEDM definitions that are

1 specific to all the products that are federally regulated
2 that permit the use of AEDMs.

3 So those were just -- I just wanted to highlight
4 there that we support the use of AEDMs for commercial and
5 industrial fans and for all federally regulated products
6 that currently use AEDMs.

7 MR. STRAIT: Uh-huh.

8 MS. PETRILLO-GROH: So thanks, if you would
9 consider that comment.

10 And then the other, I think, pressing issue that
11 we wanted to note today has to do with several -- has to do
12 with a federal rule that is currently being conducted right
13 now, which is the DOE had sought feedback on a notice of
14 proposed rulemaking on certification requirements, labor
15 requirements, and enforcement provisions for consumer and
16 commercial equipment, and AHRI provided incident feedback
17 to the Department of Energy on that proposal. And we would
18 -- those comments were attached with our CEC comments
19 because we want to make you and your team aware of those
20 changes that may -- in federal law -- that may also need to
21 be reflected in Title 20, and then onto the made submission
22 forms.

23 So we're hoping that you all will be able to work
24 with DOE and ensure that there's consistent and harmonized
25 reporting requirements for federally regulated products

1 without the need to --

2 MR. STRAIT: Yeah.

3 MS. PETRILLO-GROH: -- go through multiple
4 rulemaking cycles.

5 So I just wanted to call your attention to that,
6 and I'm happy to go over any feedback with CEC on this and
7 with our data services team if that's helpful in the
8 future.

9 So thank you again for your attention to these
10 comments and we appreciate it. Thanks.

11 MR. STRAIT: Absolutely.

12 I can say that our intent is not to make this a
13 regular occurrence, that we'll conduct one of these
14 rulemakings possibly every other year or every third year.
15 Our goal is not to have to do this every couple of months.

16 So certainly we'll take a look at what you've
17 pointed out for the DOE proceeding, and our technical staff
18 will follow up with you if we have any questions about the
19 technical substance of the comments, but thank you for
20 submitting the written material.

21 MS. PETRILLO-GROH: Thank you, Peter.

22 MR. STRAIT: You're welcome.

23 I see that Alex Baker, you've raised your hand.
24 I'm going to allow you to talk, so please go ahead and
25 unmuted yourself.

1 MR. BAKER: Good morning, Peter. Thank you.
2 Alex Baker with the National Electrical Manufacturers
3 Association.

4 I just wanted to thank you and the Commission for
5 your efforts on this rulemaking. I've got a few other NEMA
6 members on the line.

7 Following along today, we entered a letter with
8 our commentary on the proposed amendments. We have one
9 question: the ordering of the process here. We're sort of
10 accustomed to having the public hearing precede the end of
11 the comment period. And we're just wondering, is this a
12 change that we should expect to see in future rulemakings
13 as well?

14 MR. STRAIT: This is a change you should expect
15 to see in future rulemakings. It comes from some of the
16 particulars of the Administrative Procedures Act.

17 So previously we would have a hearing at the
18 start of the public comment period that would basically not
19 count toward that APA requirement, and then we would need
20 to have one after the public comment period. We would
21 normally use the business meeting for that purpose. But we
22 found that that created some procedural issues. So now we
23 are holding one public hearing after the close of the
24 comment period to satisfy that Administrative Procedures
25 Act requirement.

1 We may in the future also have a hearing that is
2 earlier on, and for our non-formal rulemaking portions of
3 what we do, we tend to have it early in the public comment
4 period. So we'll have a hearing that helps to explain to
5 the public, "here is what this document contains," or "here
6 are the questions we're interested in knowing about".

7 But for rulemakings, yes, this is going to be the
8 pattern going forward.

9 MR. BAKER: Okay.

10 I would just say that we've found it helpful in
11 the past to be part of the public hearing in advance,
12 because it often aids our understanding in what the
13 commission's intent is, and then it informs our comments
14 that we submit later.

15 MR. STRAIT: Uh-huh.

16 MR. BAKER: So there has been value in that order
17 of things in the past, but thanks for clarifying.

18 MR. STRAIT: Certainly.

19 Do you have any other public comments on the
20 materials?

21 MR. BAKER: That's it for today, Peter.

22 Thank you.

23 MR. STRAIT: Thank you.

24 I see that Jacob Cassady has raised their hand.

25 Jacob, I'm allowing you to talk. Please go ahead

1 and unmute yourself.

2 MR. CASSADY: Thank you, Peter. Jacob Cassady
3 with the Association of Home Appliance Manufacturers.

4 I want to just start out by echoing NEMA's
5 comments. I completely have everything ready to submit,
6 and I will admit on the record I didn't. I thought this
7 workshop would help just kind of guide -- just making sure
8 we have what the commission is looking for. If there is
9 any way for an extension, I humbly request it. As I said,
10 things are ready to go.

11 There's really only two things that I want to
12 point out. One is, it appears that for commercial cooking,
13 the -- now I'm trying to find where I have it, sorry --
14 that the cooking section appears to reference an outdated
15 test procedure for commercial cooktop efficiency.

16 MR. STRAIT: Hmm.

17 MR. CASSADY: The latest version is ASTM F1521-
18 12R18.

19 MR. STRAIT: Uh-huh.

20 MR. CASSADY: And then I just want -- with the
21 clothes washers under §1604(1)(j), my understanding is it's
22 not used by manufacturers until the 2028 DOE compliance
23 date.

24 So it wasn't much. We appreciate the efforts to
25 continue to harmonize with federal regulations, and again

1 just humbly request a bit of an extension since this is a
2 change.

3 So thank you for listening to my comments.

4 MR. STRAIT: Sure.

5 I would direct you to go ahead and submit
6 whatever written material you have to the docket.
7 Materials that are received outside of the public comment
8 period we are not obligated under law to respond to in
9 writing, but having that supporting material for the
10 comments that you've made at this hearing would be on the
11 record.

12 So, I can direct staff to consider those
13 materials so that there's more specificity in tracking down
14 that test procedure, for example, and ensuring we have the
15 correct reference.

16 MR. CASSADY: Thank you.

17 MS. FISHMAN: Peter, may I weigh in for a moment?

18 MR. STRAIT: Sure.

19 MS. FISHMAN: Hi, everyone. This is Corinne
20 Fishman. I'm the regulations manager here at California
21 Energy Commission.

22 And I just want to make a distinction between
23 what a pre-rulemaking workshop is to discuss underlying
24 actions and an APA hearing, which is to provide a forum for
25 verbal comments once the 45-day has begun. So this is not

1 a workshop.

2 A workshop is done in pre-rulemaking. And then
3 we are required by the Administrative Procedures Act to
4 offer a public comment period once the rulemaking opens,
5 but we cannot offer that sooner than the last day of the
6 45-day comment period. So we typically do it the day
7 following the end of the 45-day comment period. So this is
8 an APA public hearing where we are looking for oral comment
9 following our written comment period, which is very
10 different from the pre-rulemaking workshop, so I hope that
11 kind of clarifies what this is versus what a workshop is.

12 Generally, because this was an update, there may
13 not have been as many workshops pre-rulemaking as we
14 normally would in a regular rulemaking, and maybe that's
15 where the confusion came in. But I did want to clarify
16 between those two things.

17 Thanks.

18 MR. STRAIT: I would add that, in part because
19 this is a cleanup rulemaking, we didn't have a staff report
20 document like we would if we were proposing standards that
21 has a lot of analysis in it.

22 So those documents also will typically have a --
23 like a pre-rulemaking publication -- have a workshop or a
24 public process on that document. But since we don't have
25 one of those documents for here, that's also a way in which

1 this was all a bit of a faster process.

2 MS. FISHMAN: And this was not a current change.
3 This is a procedural change that we made several years ago
4 to hold an APA public hearing.

5 So thanks everybody. We appreciate your
6 comments.

7 MR. STRAIT: Alright.

8 So I'm not seeing any other raised hands, so I
9 just want to do a quick check. Does anyone else want to
10 make any public comment as a part of this public hearing?

11 Alright.

12 Since I'm not seeing any additional hands raised,
13 I'll go ahead and conclude this public hearing.

14 I do want to thank everyone who reviewed the
15 material and participated by submitting comments either
16 orally today or written comments to the record.

17 As mentioned, if folks do have additional written
18 materials to submit, I would recommend submitting them.
19 Whether or not we are able to issue a formal extension of
20 the period, it is better to have them in rather than to
21 leave them out.

22 Otherwise, again, we're very grateful for
23 everyone's efforts to help us in maintaining the currency
24 of our code, ensuring correct references to federal law,
25 and making general administrative improvements wherever we

1 can.

2 So thank you very much everyone.

3 Oh, I will -- let me check chat and Q&A. Okay.

4 So the chat just echoes someone else's comment, and then
5 the Q&A is just echoing someone else's comment.

6 So I think we are in good shape to conclude the
7 hearing.

8 Thank you everyone and I hope you have a great
9 rest of your day.

10 (The public hearing adjourned at 10:21 a.m.)

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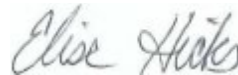
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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of January, 2024.



ELISE HICKS, IAPRT CERT**2176

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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

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I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.



MARTHA L. NELSON, CERT**367

January 30, 2024