

## DOCKETED

<b>Docket Number:</b>	15-AAER-07
<b>Project Title:</b>	Appliance Efficiency Rulemaking for kitchen faucets, tub spout diverters and showerheads
<b>TN #:</b>	206735
<b>Document Title:</b>	Notice of Commission Adoption Hearing, Availability of Amended Language and Opportunity for Comment
<b>Description:</b>	NOTICE OF COMMISSION ADOPTION HEARING, AVAILABILITY OF AMENDED LANGUAGE AND OPPORTUNITY FOR COMMENT PROPOSED AMENDMENTS TO APPLIANCE EFFICIENCY REGULATIONS California Code of Regulations, Title 20, Sections 1601 through 1605 CALIFORNIA ENERGY COMMISSION Docket No. 15-AAER-07
<b>Filer:</b>	Sean Steffensen
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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**CALIFORNIA ENERGY COMMISSION**

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**NOTICE OF COMMISSION ADOPTION HEARING,  
AVAILABILITY OF AMENDED LANGUAGE AND  
OPPORTUNITY FOR COMMENT  
PROPOSED AMENDMENTS TO APPLIANCE  
EFFICIENCY REGULATIONS  
California Code of Regulations, Title 20,  
Sections 1601 through 1605  
CALIFORNIA ENERGY COMMISSION  
Docket No. 15-AAER-07**

**INTRODUCTION**

The California Energy Commission will hold a public hearing for consideration and possible adoption of proposed amendments to the Appliance Efficiency Regulations, contained in Sections 1601-1609 of Title 20 of the California Code of Regulations (CCR). The purpose of this rulemaking is to amend regulations for kitchen faucets, tub spout diverters, and showerheads. The scope of kitchen faucets will be amended to include only kitchen faucets that are consumer products. The test method for tub spout diverters will be defined per Section 7.4.2 and 7.4.3 of ASME A112.18.1M-1996. The 20 and 45 psi showerhead minimum flow standard will be amended to be a percentage of the measured maximum flow at 80 psi.

**PUBLIC HEARING**

The Energy Commission will consider adopting the proposed amendments at a public hearing to be held on:

**Wednesday, December 9, 2015**

10:00 a.m.

California Energy Commission

1516 Ninth Street

First Floor, Art Rosenfeld Hearing Room

Sacramento, California 95814

(Wheelchair accessible)

Audio for the December 9, 2015, adoption hearing will be broadcast over the Internet.

If you have a disability and require assistance to participate in these hearings, please contact Lourdes Quiroz at (916) 654-5146 or Lou.Quiroz@energy.ca.gov at least five days before the meeting.

At this hearing, any person may present statements or arguments relevant to the proposed action. Interested persons may also submit written comments (see below).

## **PUBLIC COMMENT PERIOD/WRITTEN COMMENTS**

**Written comments should be submitted by 4:00 p.m. on December 3, 2015.** If you wish to provide comments on the Amended Language, please submit comments to the Commission using the Commission's e-commenting feature by going to the Commission's 2015 Appliance Efficiency Rulemaking webpage [www.energy.ca.gov/appliances/2015-AAER-07/rulemaking/](http://www.energy.ca.gov/appliances/2015-AAER-07/rulemaking/) and clicking on the "Submit e-comment" link. A full name, email address, comment title, and either a comment or an attached document (.doc, .docx, or .pdf format) is mandatory. After a challenge-response test used by the system to ensure that responses are generated by a human user and not a computer, click on the "Agree & Submit Your Comment" button to submit the comment to the Commission Dockets Unit.

Please note that written comments, attachments, and associated contact information included within the written comments and attachments, (e.g., your address, phone, email, etc.) become part of the viewable public record.

You are encouraged to use the electronic filing system, described above, to submit comments. If you are unable to submit electronically, a paper copy of your comments may be sent to:

Docket Unit  
California Energy Commission  
Docket No. 15-AAER-07  
1516 9th Street, MS-4  
Sacramento, CA 95814

Or email them to: [DOCKET@energy.ca.gov](mailto:DOCKET@energy.ca.gov)

## **BACKGROUND**

On April 1, 2015, California Governor Jerry Brown issued Executive Order B-29-15 directing the Energy Commission to “adopt emergency regulations establishing standards that improve the efficiency of water appliances, including toilets, urinals, and faucets available for sale and installation in new and existing buildings.” The Energy Commission held a public hearing and adopted the emergency regulations establishing standards for these water appliances on April 8, 2015.

On August 12, the Energy Commission held a public hearing and adopted new standards for showerheads and amended standards for residential lavatory faucets under the emergency powers provided in Executive Order B-29-15. The adoption occurred after public comment and a Lead Commissioner Workshop on July 28, 2015.

The Energy Commission has received comments regarding the scope of kitchen faucets and the pending impact to some commercial faucets with flow rates above the kitchen faucet flow rate standard. Staff has studied the issue and concluded that amending the regulations to limit the scope of the kitchen faucet regulation to residential products would be consistent with previous application by the U.S. Department of Energy and would permit commercial kitchen faucets to provide the flow rate required to meet the needs of commercial kitchen operation. Kitchen faucet savings will not be reduced because staff did not consider savings from commercial faucets in the original rulemaking.

The Energy Commission has received comments seeking clarity regarding the tub spout diverter test method. Staff has studied the appliance efficiency standard and believes the regulation does not provide a clear test method due to a rulemaking change related to federal updates that occurred in February 2014 (Docket No. 13-AAER-01). Staff has studied the history of the tub spout diverter test method and proposes a change to the test method to use sections 7.4.2 and 7.4.3 of ASME A112.18.1M-1996 to be consistent with the test methods and test conditions as shown in the appliance efficiency standard between 1991 through 2014. Staff considers the amendment to be a clarification of the test method rather than a change.

The Energy Commission adopted new showerhead minimum flow rate standards at the August 12, 2015, public hearing. After receiving public comment, staff has reviewed the minimum flow rate standard and has proposed an update to require the minimum flow rate be a percentage of the measured flow rate rather than a percentage of the maximum allowable flow rate. The change will enable the sale of showerheads with lower maximum flow rates.

Staff proposes to present the amendments for adoption at the December 9, 2015 public hearing under the Governor's Executive Order B-29-15.

## **PROPOSED AMENDED LANGUAGE**

The proposed amendments will be available on the Energy Commission website, under "Amended Language," at: [www.energy.ca.gov/appliances/2015-AAER-07/rulemaking/](http://www.energy.ca.gov/appliances/2015-AAER-07/rulemaking/).

The Amended Language changes are indicated by strikethrough (~~example~~) for deleted language and underline (example) for added language. The Amended Language changes include:

1. Change to the 20 and 45 psi showerhead minimum flow standard as a percentage of the measured maximum flow at 80 psi.

2. Change to the Appliance Efficiency Regulations Scope to include only kitchen faucets that are consumer products.
3. Update to the test method for tub spout diverters to specify the test method is sections 7.4.2 and 7.4.3 of ASME A112.18.1M-1996.

## **DESIGNATED CONTACT PERSONS**

Please contact the following person, preferably by email, for general information about the proceeding or to obtain any document relevant to the proceeding:

Angelica Romo-Ramos  
California Energy Commission  
1516 Ninth Street, Mail Station 25  
Sacramento, California 95814-5512  
Telephone: 916-654-4147  
Fax: 916-654-4304  
Email: [[Angelica.Romo@energy.ca.gov](mailto:Angelica.Romo@energy.ca.gov)]

Please contact the following person, preferably by email, for substantive questions:

Sean Steffensen  
California Energy Commission  
1516 Ninth Street, Mail Station 25  
Sacramento, California 95814-5512  
Telephone: 916-651-2908  
Fax: 916-654-4304  
Email: [[Sean.Steffensen@energy.ca.gov](mailto:Sean.Steffensen@energy.ca.gov)]

The backup contact person for substantive questions is:

Ben Fischel  
California Energy Commission  
1516 Ninth Street, Mail Station 25  
Sacramento, California 95814-5512  
Telephone: 916-651-3738  
Fax: 916-654-4304  
Email: [[Ben.Fischel@energy.ca.gov](mailto:Ben.Fischel@energy.ca.gov)]

Mr. Steffensen and Mr. Fischel also can assist in obtaining documents and in answering general questions.

## **PUBLIC ADVISER**

The Energy Commission's Public Adviser's Office provides the public assistance in participating in Energy Commission proceedings. If you want information on how to

participate in this forum, please contact the Public Adviser, Alana Mathews, at [PublicAdviser@energy.ca.gov](mailto:PublicAdviser@energy.ca.gov) or (916) 654-4489 (toll free at (800) 822-6228).

## **NEWS MEDIA INQUIRIES**

News media inquiries should be directed to Media and Public Communications Office at (916) 654-4989, or by e-mail at: [Mediaoffice@energy.ca.gov](mailto:Mediaoffice@energy.ca.gov).

## **AVAILABILITY OF DOCUMENTS CONCERNING THIS RULEMAKING**

The first action to take to obtain documents in this rulemaking proceeding is to visit the Energy Commission's appliance efficiency website at:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=15-AAER-07>.

The website will have all of the documents prepared by the Energy Commission, including the Amended Language of the proposed amendments (written in plain English and set forth in a format that indicates affected portions of the existing text and the proposed amendments to the text), and most of the other documents in the rulemaking file.

The Amended Language is also available at no cost from the contact person, Angelica Romo-Ramos (see above).

The Energy Commission's Docket Office has available all of the documents in the rulemaking file; for copies, please contact:

Docket Office  
California Energy Commission  
1516 Ninth Street, MS 4  
Sacramento, California 95814-5504  
916-654-5076

## **INTERNET ACCESS**

Documents prepared by the Energy Commission for this rulemaking are or will be posted on the Energy Commission's website at:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=15-AAER-07>.